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## ABSTRACT

These proceedings of the Subcommittee on Juvenile Justice deal with the proposed abolition of the Office of Juvenile Justice and Delinquency Prevention, which was marked for elimination in the proposed budget of the Justice Department. Testimony is presented that supports retention of this office along with the comments of senators, police and safety officials, and other legal officials. The effectiveness of the Juvenile Justice system is discussed and various state and federal programs are described. Prepared statements of a number of organizations supporting the Office of Juvenile Justice are also included in the appendices. (JAC)

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ABOLITION OF THE OFFICE OF JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION

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HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

FIRST SESSION

APRIL 1, 1981

Serial No. J-97-8

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# ABOLITION OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

WEDNESDAY, APRIL 1, 1981

U.S. SENATE,  
SUBCOMMITTEE ON JUVENILE JUSTICE,  
COMMITTEE ON THE JUDICIARY,  
Washington, D.C.

The subcommittee met, pursuant to notice, at 9 a.m., in room 2228, Dirksen Senate Office Building, Senator Arlen Specter (chairman of the subcommittee) presiding.

Present: Senators Specter and Metzenbaum.

Staff present: Jonathan C. Levin, legislative counsel.

## OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen. This is a hearing of the Juvenile Justice Subcommittee of the Judiciary Committee.

This morning we will be hearing witnesses on the issue of the Office of Juvenile Justice and Delinquency Prevention, an office created by the Juvenile Justice Act of 1974, which has been marked for elimination in the Justice Department's proposed budget.

Since those plans were announced, we have had an outpouring of interest from across the country as to what will happen to the Federal activity as it relates to juvenile crime and juvenile crime prevention.

The subject is of special importance and significance at this time because of the widespread surge of violent crime in this country, the great public attention focused on violent crime, and the very large role which juvenile crime plays in the overall picture of violent crime.

We have had requests from numerous witnesses to appear today, largely in support of retention of this office, and we have a full schedule. Our schedule is complicated by the fact that the Senate is in session today considering the budget resolution, and there will be some necessary interruptions in these hearings for members of this subcommittee to go to the Senate floor to vote. However, we will proceed as expeditiously as we can to hear the witnesses who have been willing to come forward to testify on this important subject.

I have convened today's hearing because of my deep concern about the problem of juvenile crime throughout the United States

and the urgent necessity of a continuing Federal effort to improve our juvenile justice system.

Violent crime in this country has risen an alarming 59 percent during the last 10 years. FBI statistics released today show a further 13-percent increase in violent crime in 1980. Probably no issue has caused greater concern than this seemingly uncontrollable increase in the crime rate and the fear that it has generated in every American household.

The Attorney General noted in his first public statement that the American public would prefer that Federal revenues be spent combatting crime ahead of virtually any other Federal program. Accordingly, reducing violent crime has been declared the number one priority of the Department of Justice.

However, even as the administration mobilizes its resources to satisfy the American public's unprecedented demand for decisive action to control crime, the only remaining Federal office providing direct financial and technical assistance to States and localities to reduce street crime—the Office of Juvenile Justice and Delinquency Prevention—has been scheduled for elimination.

Any Federal program to reduce violent crime which ignores juvenile crime will fail. Juveniles are disproportionately responsible for our national crime problem. According to the most recent FBI Uniform Crime Reports, juveniles account for 20.1 percent of all arrests for violent crime, although they comprise only 13.8 percent of the total U.S. population. Juveniles also account for 49 percent of all arrests for arson; 31.5 percent of robbery arrests; 15.9 percent of rape arrests; 15.5 percent of arrests for aggravated assaults; and 9.3 percent of all arrests for murder.

Youth gangs represent a growing and increasingly serious threat to public safety, particularly in our largest cities. During 1979, gang killings accounted for 58 percent of arrests of juveniles for homicide.

Unless juvenile crime and its underlying causes are directly confronted and unless meaningful opportunities for rehabilitation are provided, it will inevitably mean further destructive increases in adult crime. As district attorney of Philadelphia, I personally witnessed the tragic repetition of this cycle—truncy at age 8, a petty burglary at 10, larceny at 11 or 12, then robbery and murder at 17 or 18.

The Office of Juvenile Justice and Delinquency Prevention, created by the Juvenile Justice Act in 1974 and reauthorized with overwhelming congressional support in 1980, was designed to provide Federal leadership and assistance to the States and localities in preventing delinquency.

Pursuant to the Juvenile Justice Act as amended in 1980, the primary focus of the Office has been the problem of serious youth crime. The Office has funded and monitored the statutory mandates of separating juveniles from detained adults, removing juveniles from adult jails, and deinstitutionalizing status and nonserious juvenile offenders. As a result of the assistance of the Office of Juvenile Justice, Pennsylvania has reduced the number of status and nonserious juvenile offenders in delinquent facilities from 494 in 1975 to zero in 1979, and the number of children in adult jails from 3,196 in 1975 to only 4 in 1980.



Through formula grants and discretionary funding, the Office has also supported a wide range of programs designed to reduce delinquency and improve the juvenile justice system, including community-based rehabilitation programs, family counseling, literacy courses, the renovation of juvenile facilities, law-related education, and numerous research projects such as the National Center for Juvenile Justice in Pittsburgh, Pa.

The proposed elimination of the Office of Juvenile Justice raises serious questions about the possibility of any progress in preventing delinquency and improving our juvenile justice system. I am concerned that if juvenile programs are forced to compete with the numerous programs included in the social service block grant, all of which already face 25 percent budget cuts, no further funds will reach juvenile justice programs.

I intend to consider carefully today's testimony regarding the merits and implications of the administration's proposal to eliminate the Office of Juvenile Justice and Delinquency Prevention. Many of our witnesses and members of the audience have traveled great distances to attend today's hearing. I thank each of you for coming.

[The prepared statement of Senator Metzenbaum follows.]

PREPARED STATEMENT OF HON. HOWARD M. METZENBAUM, A U.S. SENATOR FROM THE STATE OF OHIO

Mr. Chairman, I would like to commend you for calling this hearing on the administration's proposal to eliminate the Office of Juvenile Justice and Delinquency Prevention.

I have been highly critical of the administration's budget proposal in a number of areas. My criticism is not aimed at the goal of balancing the Federal budget or reducing Federal expenditures. It is aimed at the manner in which the administration has attempted to get us there. And in the area we are considering today, I believe that the administration's proposal is ill-advised.

Last year, Congress passed a reauthorization of the Juvenile Justice and Delinquency Prevention Act which put in place for 4 more years a Federal program designed to address the problems of our troubled youth. It also put in place a program designed to tackle the problem of youth who commit serious crimes.

We took this action because we believed that federal action was required to address a problem that's national in scope. It was clear then—and it's clear now—that the states needed assistance in their efforts to tackle the problem.

We still face a situation in which young people commit 21 percent of violent crimes. But at the same time, we still face a situation in which young people are being institutionalized—not because they are hardened criminals or a threat to society, but because they ran away from home or were truant from school.

We still have a situation, in other words, in which young kids are locked up with adult criminals to be raped or pushed emotionally to the point of committing suicide or more commonly, learned the values and the attitudes of hardened criminals.

Last year, in reauthorizing the Juvenile Justice Act, we made numerous changes in the existing law.

We realized that not enough attention was being directed toward the serious offenders. We corrected that with amendments to the act.

We also recognized that many of the young people were being held in adult jails. We dealt with that situation with an amendment.

We also recognized that we have a long way to go in this field—that there is much work to be done. But that realization should not overshadow the real success that we have seen in the program.

Since 1974, we have provided an incentive to 50 States and territories to participate in the Juvenile Justice and Delinquency Prevention Act. All of these States and territories participate in the act of their own free will. In so doing they have indicated a commitment to try to turn around America's troubled young people.

A network of community based services today provides assistance to young people in their respective communities. And over 150,000 young people are no longer housed with chronic offenders and hardened criminals.

The effect cannot be precisely measured. Much of it will be long term. A payoff to society in citizens made productive and crimes not committed.

I do not believe, Mr. President, that we're doing much about licking the problem of crime in America by providing youthful offenders with scholarships to the universities of crime that are the adult jails of this country.

I believe that the administration's proposal to eliminate the Office of Juvenile Justice is another example of a penny-wise and pound-foolish budget cut. The Congress should not accept it.

**Senator SPECTER.** Senator Kennedy regrets he is unable to attend and has asked that his statement be inserted.

- [Material follows:]

**PREPARED STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS**

The hearing today marks an important beginning in our effort, by this Congress to deal with the problem of juvenile delinquency. I commend Senator Specter for his leadership in this area, for we all share a deep concern about violent crime in this nation.

The tragic shooting of the President, Mr. Brady, and the two law enforcement officers, has focused national attention on the need to make crime a high priority for this nation. In the last 3 years the rate of increase in violent crime has literally doubled. Just last year violent crime soared by 13 percent—the biggest jump in a dozen years. One out of every three American households was affected by serious crime last year, and experts predict that within the next five years all households will be hit. In my home state of Massachusetts the statistics are equally staggering. Every 42 hours one person is murdered, and every day four women are raped, 32 persons are robbed, 242 homes are burglarized, and 174 cars are stolen.

A disproportionate share of violent crime is committed by young people. Between 1976 and 1978 over half of the violent crimes were perpetrated by youths under the age of 18. Every day we read in the newspapers about crime committed by children. We hear of a nine year old in New York who held up a store at gunpoint. In the Washington Post, we read of juvenile delinquents who have committed innumerable crimes before they reach the age of eighteen.

The Administration has called for a Task Force to deal with the problem of violent crime. I applaud these efforts and pledge support for legislation which will provide more assistance to our state and local governments in combating criminal offenders.

However, I am concerned about the Administration's proposal to eliminate the only program in the federal government designed to deal with the problem of juvenile delinquency.

I believe that this problem, which affects each and every American citizen, rises to the level of a national priority which can not be adequately taken care of by the frequently invoked panacea of block grants.

As a long time advocate of the Juvenile Justice Program, which has been nurtured by the Judiciary Committee over the course of the last decade, I certainly recognize that we in the Congress should re-evaluate this program to skim off unnecessary fat and to redirect our scarce resources to programs which will have the most impact. But I do not believe that the federal government should abdicate its responsibility in this important area.

In the past our Juvenile Justice Program has focussed on the so-called "status" offenders—the truants and the runaways—who engage in activities which would not be considered criminal if they were performed by adults. We have made considerable progress in this area, particularly with respect to female status offenders who tend to be institutionalized more than their male counterparts. My own state of Massachusetts has been a pioneer in the deinstitutionalization effort. Although we have come a long way, more progress can certainly be made in getting noncriminal juveniles out of correctional institutions.

Now we must shift our attention to the even tougher challenge of finding new and more effective ways of dealing with the juvenile delinquency problem. While some may argue, in frustration and fear, that we should "lock up our juveniles and throw away the key," we must realize that only in the most extreme circumstances should we give up hope for helping our juvenile offenders.

The problems are complex—as are the answers. Certainly we cannot easily erase all the poverty, broken homes, and unemployment which result in juvenile crime. But we can guide our juveniles by providing job training programs to give them new skills, we can provide restitution programs to enable youth to compensate victims,

And when all else fails and institutionalization is the answer, we can provide humane facilities which separate juveniles from contact with more hardened adult criminals.

However, in the most extreme cases, where young persons stab, shoot, and assault, their youth should not be used as an automatic apology for their crimes. The young who are responsible for such crimes should be treated as adults, tried as adults, and sentenced as adults. Fingerprinting and lineups should be used to identify suspects, whatever their age, and the courts should have the authority under appropriate safeguards, to examine a juvenile's criminal record. Above all, young offenders convicted of crimes of violence should receive adult sentences, including prison terms. It is wrong to incarcerate juvenile offenders with adult criminals. But it is also wrong to let violent offenders go free solely because of their youth.

I look forward to the testimony this morning and hope that this Subcommittee can play an active role in devising new approaches to eradicate juvenile delinquency.

Senator SPECTER. We will begin our proceeding this morning with testimony from Mr. Stanley Morris, Associate Deputy Attorney General; Mr. Kevin Rooney, Assistant Attorney General for the Justice Management Division; and Mr. Charles Lauer, Acting Director of OJJDP.

Good morning, gentlemen.

Mr. MORRIS. Good morning.

Senator SPECTER. Mr. Morris, I believe you would prefer to take the lead in presenting testimony. The written statements will be made part of the record following your oral presentations. It would be preferable, as is the custom of this committee, to have you summarize your prepared statement and then be in a position to respond to questions, Mr. Morris.

**TESTIMONY OF STANLEY MORRIS, ASSOCIATE DEPUTY ATTORNEY GENERAL, ACCOMPANIED BY KEVIN ROONEY, ASSISTANT ATTORNEY GENERAL FOR THE JUSTICE MANAGEMENT DIVISION, AND CHARLES LAUER, ACTING DIRECTOR OF OJJDP**

Mr. MORRIS. Certainly. Thank you, Mr. Chairman.

The Department of Justice commends your committee's concern over the need to improve juvenile justice. The Department's proposal to cease funding for the juvenile justice and delinquency prevention program for fiscal year 1982 does not reflect disavowal of the goals of the program. The proposal simply testifies to the hard choices that we in the Federal Government must make in a time of financial stringency when reductions in a multitude of programs are demanded.

The juvenile justice program commenced in 1974 with the passage of the Juvenile Justice and Delinquency Prevention Act. Title II of the program has been funded and operated within the Department of Justice since 1974.

The treatment of juveniles directly affects several components of the law enforcement and criminal justice system. In addition to discouraging the unnecessary institutionalization and incarceration of juveniles, the JJDP Act empowers the Department of Justice to address some aspects of drug and alcohol abuse, school violence and vandalism, and chronic, repeat juvenile offenders.

Since fiscal year 1978, Congress has appropriated annually \$100 million for title II. In January 1981, the previous administration requested an increase for fiscal year 1982 to \$135 million.

The 6-year life of the JJDP program has witnessed substantial improvements in State and local juvenile justice systems with the aid of Federal technical and financial resources. In addition to research, training, and standard setting activities, several special emphasis programs were specifically mandated by Federal edicts, including Restitution and Project New Pride, to offer models for possible replication. These programs have proven fruitful in reducing juvenile recidivism. The States can be expected to build on these examples.

A major impediment to improved management of the juvenile court system has been misguided assessment and disposition of countless status offenders—runaways, truants, and children in need of supervision who have not committed an adult crime—and nonoffenders—dependent and neglected children. A primary mandate of the JJDP Act was to cultivate inexpensive community-based programs to which these youths could be referred in lieu of institutional placements. States have taken notable strides toward community based referrals, thus diminishing the initial justification for direct financial Federal involvement in juvenile justice. The act has made progress toward accomplishing many of its goals.

Fifty-one States and territories now participate in the JJDP Act formula grants program. All those participating have established systems for monitoring jails, lockups, and facilities which are used to detain or incarcerate juveniles.

Seventeen States and territories report full compliance with the requirement that juveniles be separated from adults convicted or awaiting trial, and 24 additional States and territories report progress toward this goal.

Fifty States and territories have demonstrated progress toward deinstitutionalization compliance, with 16 States demonstrating substantial or near substantial compliance.

In the areas relating the Juvenile Code revisions and training, progress is reflected by the following:

Since 1977, at least nine States have enacted major juvenile code revisions. Either through code revisions or by other means, more States are requiring their juvenile court personnel to receive additional training. JJDP resources made available through the National Institute for Juvenile Justice and Delinquency Prevention have helped provide over 500 judges, prosecutors, and defense attorneys with training in sentencing alternatives, special legal issues, and administrative procedures.

In March of this year, the President submitted to Congress a revised budget request for the Federal Government for fiscal year 1982. The reduction for the Department of Justice substantially decreased the funding requested by the prior administration. A total of \$231 million and 2,114 positions were eliminated.

The revised Department budget proposed the phaseout of the juvenile justice program for three reasons:

First, in a time of government austerity, the Department of Justice must contribute to the President's overall economic program. The Department's primary obligations are to enforce Federal law and to defend Federal statutes. While recognizing the goals of the juvenile justice program, the Department concluded that Federal funding could not be justified.

Second, the Federal Government's 6-year endeavor to encourage State and local governments to improve the quality of juvenile justice has achieved clear results. We have spent over a half billion dollars over the past 5 years to meet the goals of the act, and have been rewarded by substantial progress in many States toward meeting the primary goals of the act.

In addition, improved ways of dealing with juvenile justice offenders have been identified. We believe that the impressive strides made recently by States and localities to upgrade their juvenile justice systems demonstrates a capacity and a commitment to continue this improvement despite the absence of specific Federal funds for this purpose.

Third, noting varied social service needs in the several States and varied progress toward addressing the problems of juvenile justice, the President determined that this program was a candidate for inclusion in the HHS block grant. It is the administration's firm belief that governors and mayors should be given the flexibility to use Federal funds in those areas where the greatest impact on local problems can be achieved. A \$100 million categorical and formula grant program, with its administrative overhead, simply does not meet the administration's test for an essential Federal program in a period of fiscal austerity. Addressing the problems of juvenile justice is primarily a State and local responsibility. Therefore, it is our intention to include this program in the HHS block grant.

Mr. Chairman, as you mentioned earlier in your opening statement, the problems perceived by the American people about violent crime are also shared deeply by the Attorney General. He has recently announced the formation of a task force on violent crime, composed of individuals with distinguished backgrounds in criminal justice. This new advisory body was created because of the conviction of this administration that the problem of violent crime, although primarily falling within the jurisdiction of State and local law enforcement agencies, has now reached such an alarming level that leadership on the part of the Federal Government is both desirable and necessary.

The new task force will be considering and recommending ways in which the Department of Justice can appropriately exercise leadership and provide assistance in this area of critical importance to the American people. Of course, no examination of violent crime would be complete without consideration of the role of juveniles in the crime problem. Your statement yesterday before the House of Representatives eloquently described the problem that we all face.

The Office of Juvenile Justice and Delinquency Prevention has prepared a background paper for the use of the task force. If you have no objection, Mr. Chairman, I would like to provide that to the subcommittee for your review.

Senator. SPECTER. We will be pleased to receive it. Thank you very much.

Mr. MORRIS. In sum, Mr. Chairman, the Attorney General is committed to working toward the orderly phaseout of the juvenile justice program and entrusting to States and localities the authori-



ty to identify and fund social service programs they perceive as urgent.

I would be happy to try to answer any questions you may have.

Senator SPECTER. Thank you very much, Mr. Morris.

What is the total budget of the Justice Department and how much was it reduced under the current efforts by the President to cut back?

Mr. MORRIS. Mr. Rooney has the table before him.

Mr. ROONEY. Mr. Chairman, the total request for 1982, the new request, is for \$2,335,913,000. This is a reduction of \$231.8 million from the Carter administration request for 1982.

Senator SPECTER. So out of a total reduction of \$231.8 million, this program accounts for almost half of the overall Justice Department cut. Is that right?

Mr. ROONEY. Yes, Mr. Chairman, about \$135 million. The other \$100 million relates basically to the 2,100 positions which have been cut from our budget.

Senator SPECTER. By whom are these hard choices made in the Justice Department? I ask that question because there is obviously a sentiment in the Senate to cooperate fully with President Reagan in his efforts to reduce Federal spending. There is no question, as evidenced by the extended floor debate on both sides of the aisle in the course of the past several days on the budget issue that there is a concurrence there must be a reduction in Federal spending to move ahead on the critical issues of unemployment, high interest rates, and high inflation.

The Congress, the Senate, this committee, and later the Appropriations Committee will have to make their own evaluations as to the judgments which the Justice Department has already made. I think it would be helpful to us, in assessing whether or not we agree with the assessments you have made, to be privy, if you can do so, as to just what is the process of evaluation made by the Justice Department, who makes the decisions and for what reasons, in somewhat greater detail than you have already provided us.

Mr. MORRIS. Are you interested in the process, Mr. Chairman?

Senator SPECTER. Yes. You may start there.

Mr. MORRIS. As you know, the President devised some overall goals to be met by the departments and agencies in terms of budget reductions. President Carter's original budget proposals also were taken into consideration. Subsequently, the new funding targets were sent to the Office of Management and Budget. We spent quite a lengthy period of time with the Attorney General and Deputy Attorney General going over their priorities and looking at the targets which were established.

Many of the areas which were identified for reductions we agreed with. Many areas we did not.

The Attorney General then met with Mr. Stockman, and they came to an agreement. There is no question in the mind of the Attorney General or anybody else in a leadership position in the Department of Justice that this is a tough but a fair budget, and we think it addresses the priority concerns of the Attorney General.

Senator SPECTER. What percentage is the reduction?

Mr. ROONEY. About 10 percent.

Mr. MORRIS. In terms of dollars or people?

Mr. ROONEY. Five percent in terms of people and in terms of dollars 10 percent.

Mr. MORRIS. Yes.

Senator SPECTER. As you have outlined in your testimony, you have stated that this is a program which has worked.

Mr. MORRIS. That is correct.

Senator SPECTER. There has been a stated goal by President Reagan and Mr. Stockman to eliminate the programs which do not work.

In light of the tremendous problems which are faced in the juvenile field and the fact that the program has worked, is it not a little anomalous that this is a program which is being cut?

Mr. MORRIS. This is a program where State and local responsibility is clear. The President and the Attorney General believe that those Federal programs which could be better administered within the discretion of State and local officials should be turned over to them.

What we have done is to grant authority within the \$6-plus-billion block grant in the Health and Human Services block grant proposal, permitting those funds to be used to carry forward these programs. Therefore, as I outlined at the beginning of my statement, we are not in a disagreement with the goals; it is a disagreement, I imagine, as how one is to achieve those goals.

Senator SPECTER. Mr. Morris, how realistic is it that the block grants will be able to accommodate this program? As a subpart to that, how many items are being eliminated or reduced and being moved into the area where there will be competition with Health and Human Services for the block grant awards?

Mr. MORRIS. I think there are 12 or 13 different programs which are being folded into that block grant.

Senator SPECTER. What has been the total funding of those 12 or 13 programs?

Mr. MORRIS. There is an overall reduction of about 25 percent if you add up the Carter administration budget proposal, that is, we are asking for a 25-percent reduction in the total for those programs.

Senator SPECTER. What does that amount to in terms of dollars?

Mr. MORRIS. Approximately \$6 billion.

Senator SPECTER. What are the 12 or 13 competing items for those funds?

Mr. LAUER. A number of them were title 20 programs, including child abuse programs. All of them were HHS programs to provide social services.

Senator SPECTER. I sit on the Health and Human Services Subcommittee of the Appropriations Committee and have been present at hearings where long lines of people have come forward to testify about the needs of those programs which are being pushed into the block grant category. In about 10 minutes I will miss a session where Secretary Schweiker will be testifying before that subcommittee.

My concern is that there will be enormous competition for the funds from Health and Human Services, and a program which was

not even in Health and Human Services last year but ~~has~~ been moved out of the Justice Department will find it extraordinarily difficult, if not impossible, to receive any attention through the block grant concept.

Mr. MORRIS. That is a judgment which local officials will be forced to make. There is no question about that. They will be in a position of making difficult tradeoffs between desirable goals, just as we in the Federal Government are being faced with the same issue.

With the number of efforts we have achieved to date in avoiding the comingling of juveniles and adult offenders, we think we will probably be able to continue those programs.

Senator SPECTER. Your achievements are significant but they are far short. In your testimony you pointed out that only 17 of the States were in full compliance with the requirement for segregation of adult and juvenile offenders. Is that correct?

Mr. MORRIS. That is correct.

Senator SPECTER. What makes you conclude that the States under the block grant program will be anxious to carry that program forward?

Mr. LAUER. Another 21 States have achieved substantial progress. The National Criminal Justice Association has polled the States in an informal way. Many of them feel they can maintain the status quo, at least related to the improvements they have so far achieved.

As you have said, they are not too optimistic that they can compete very well for additional funds in competition with the other social services which would be in that block grant, and they are not too optimistic about any further improvement.

Senator SPECTER. You are supportive of the concern many have expressed that with the elimination of the program, with the elimination of the Federal funding of this program, that future improvement is very likely to be nonexistent?

Mr. LAUER. In most instances, the States have started discussing just where they will come out with their budget officers and with their Departments of Health and Human Services.

A small number of the States do feel, though, that they have the support of the Governor and that they do have legislation on the books which would enable them to compete.

Senator SPECTER. Is the answer legislation or is the answer adequate funding to implement the legislation?

Mr. LAUER. It is both. You need both of them in the States.

Senator SPECTER. So the legislation alone is obviously not sufficient in and of itself?

Mr. LAUER. That is right.

Senator SPECTER. Mr. Morris, when you testified that this is an area of clear-cut State and local responsibility, is it not true that many of the Justice Department activities are in areas which are clear-cut State and local responsibility?

Mr. MORRIS. For example? I am not sure I follow you.

Senator SPECTER. Drug enforcement, enforcement of criminal laws which are of concurrent jurisdiction of Federal and State Governments.



Mr. MORRIS. There are many areas of joint responsibility; that is correct. However, I guess I would view drug enforcement somewhat differently. The major problem with drugs, of course, is that they are smuggled into this country. They clearly move across State lines.

Senator SPECTER. So do juveniles.

Mr. MORRIS. We are talking in this program largely about the institutionalization or deinstitutionalization of juveniles, removing those status offenders from the criminal justice system where they do not belong. That seems to me to be more clearly a State and local responsibility.

Senator SPECTER. I would suggest to you in the criminal law field that, with the exception of the crimes committed on Federal grounds—post offices or military bases, or even there—that States have jurisdiction and it is a matter of local law enforcement as well, and that the pattern has evolved that the Federal Government comes in and takes a stand where you have strike forces—for example, in organized crime. All of that is really a matter of State and local law enforcement responsibility, enforcement of narcotics sales on the streets.

Albeit in interstate matters crimes have a focus within some State, and that State has jurisdiction. Therefore, it seems to me that even where you have primary responsibility under the Federal system for State and local enforcement, it then becomes a matter of priorities as to which one the Federal Government wants to get into in terms of overall importance.

I note for the record you are nodding your head in agreement.

Mr. MORRIS. Yes.

Senator SPECTER. When you talk about the concept of block grants—and I think it is a very valuable concept and one which ought to be implemented in a great many fields—the question which comes to my mind is whether the application of the block grant concept does not arise when it is a matter of preferences and choices as opposed to a clearly defined national objective. Once you have defined “national objective,” then the program comes into what we call a categorical area, where the Federal Government has made a decision that this is an objective which ought to be attained everywhere as opposed to what may be desirable as a discretionary matter for local decision.

The question I have for you is this: In light of the long history of the 1974 legislation and the tremendous support it has had in the Congress, as well as the acknowledgment by the Justice Department that it has been a good program—words which came from the lips of Attorney General William French Smith in this room last week—is this not really a classical case of a matter for categorical decision by the Federal Government to see that it is carried out without leaving it to the discretion of State and local governments?

Mr. MORRIS. That is the ultimate question. We believe this program's history has been one of addressing a goal, which we do not disagree with, and we do not disagree that it was an appropriate Federal goal. We think substantial progress has been made toward that goal, and during a period of tough decisions this one just simply fell below the line in terms of what we thought we could continue in the Justice Department.

Yesterday, before Chairman Perkins' committee, they continued to talk about what a small program the juvenile justice and delinquency program is. Of course, in the attitude of that particular committee it is a small program. The whole Justice Department budget gets lost in the rounding before that committee.

However, as we took a look at our own priorities, a reduction in the Justice Department's budget of some \$135 million, if taken from any other source in the Department, would convert into 3,000 law enforcement officers and prosecutors. To meet the President's overall targets we would have had to take an additional 3,000 position reduction in direct staffing to absorb the \$135 million reduction.

Senator SPECTER. What is the total Justice Department staff, Mr. Morris?

Mr. ROONEY. 52,656 is planned for 1982.

Senator SPECTER. I agree with you that the comments about \$100 million not being very much, which we heard mentioned yesterday in the House committee, are not well designed to my ears, either. In the budget process, when a number of us were trying to make some substitutions on the Chaffee amendment, which failed yesterday, to try to bring some additional funding to education and mass transit and low-cost fuel assistance, when we were putting down the figures, and a figure came to \$92 million, the budget staff said, "Let's round that off to"—actually one came to \$93—"let's round it off to \$100 million." The ease of rounding up \$2 million I found fascinating.

Therefore, I do agree with you, that \$100 million is a very, substantial sum, a very substantial sum to the Justice Department out of the \$2.3 billion budget and a very, very substantial sum to the juvenile program which had a \$100 million budget.

You talked about the problems of alcoholism, school violence and violent crime, those you enumerated in the course of your opening testimony.

I would like your evaluation as to the status of those problems in this country at the present time as they relate to juveniles, starting with the problem of alcoholism.

Mr. MORRIS. Let me defer to the program director, Mr. Lauer.

Mr. LAUER. Mr. Chairman, in terms of our statistics keeping we have not in the past focused on the difference between serious and violent crime or alcohol and drug involvement in violent crimes. We do know that 20 percent of violent crime—murder, rape, aggravated assault and robbery—is committed by juveniles.

The funding status of the program reflects that approximately 15 percent of the resources per year go directly into programs which would relate to serious and violent offenders. That would include the categorical research programs as well as the programs of the States.

There are a lot of other programs of a categorical nature which are administered by the office. For example, technical assistance. We could provide the committee an estimate of all the technical assistance activities which have supported serious or violent offender programs in the States.

Senator SPECTER. I lost the train of thought. Do you know what the status is as to alcoholism among juveniles?

Mr. LAUER. I am trying to make the point that the programs funded go to the system. We do not maintain statistics in terms of funding as it relates to an alcohol abuse program or drug abuse program. Studies will be available in about 3 months dealing with these issues.

Senator SPECTER. So you are not in a position to say what the status is of alcoholism and drug abuse, and the seriousness of the problem, at whatever level it may exist in this country today, was not a factor considered in the budget reduction?

Mr. LAUER. That is true. It was not considered in the budget reduction.

Senator SPECTER. How about the problem of school violence?

Mr. LAUER. Likewise, the budget process did not address the specific points that the program was addressing at this time.

Senator SPECTER. How can you make an evaluation to cut the program if you do not know what the status is of the principal problems to which the program is addressed?

Mr. LAUER. The major thrust of the legislation was separation, deinstitutionalization, and later jail removal. We do know the status of those thrusts. The violent and serious offender thrust of the program is something that has not been gone into in any great detail. As mentioned earlier it constitutes approximately 15 percent of the total annual resources.

Senator SPECTER. Fifteen percent of what?

Mr. LAUER. Of the overall budget of the agency.

Mr. MORRIS. It is important to note that we did not view the movement of this program into the block grant as inconsistent with the Attorney General's concern about the problem of violent crime in this country.

This program's central focus was on the problem of juveniles ending up in the criminal justice system where they have no business. Only about 15 percent of this program, either through discretionary funds from JJDP or as expended by the States, goes to the problem of delinquency prevention. Therefore, I think it is important to note that as we begin looking at what the role of the Federal Government is in dealing with violent crime, that we do not view this action as inconsistent with that role.

I should add a footnote. Obviously we are aware that putting children in the criminal justice system who don't belong there may in fact have an indirect impact on reducing juvenile crimes.

Senator SPECTER. Senator Metzenbaum has joined us and has other commitments. He cannot stay long.

Senator METZENBAUM, have you questions at this time?

Senator METZENBAUM. Mr. Chairman, first of all, let me say that I appreciate your setting up this hearing at this date to examine the administration's proposal to eliminate the Office of Juvenile Justice and Delinquency Prevention. The cut back, of all the cuts in the Justice Department, amounts to better than half.

I am frank to say that I think that is being pennywise and pound foolish. I think that long rangewise the Nation will suffer tremendously as a consequence.

We may save something in balancing the budget—each of us wants to balance the budget and wants to support the President in

that respect—but to me it is the manner in which the administration has attempted to get us there.

In this program you cut back the Office of Juvenile Justice. I am afraid we will pay so much more in street crime, and problems in the future with respect to young people. Putting young people in with hardened criminals will certainly be counterproductive. It is somewhat similar to another program where the administration is cutting back on day care centers and forcing more women to go on welfare as a consequence. These are the kinds of programs which I really do not believe were mandated on the part of the American people in November of last year.

I think what people want to do is to eliminate waste and excessive Government spending, but I do not believe they want to take it out on young people. Indirectly when taking it out on young people I feel they will be taking it out on all of society. To me that is so harmful.

My own feeling is that this program should not have been singled out. It is a program which has worked. Sending it back and saying the States will do it is unrealistic. It will not be done in the same manner.

Although I cannot stay, Mr. Chairman, I would like to put an opening statement into the record after yours, and I would like to work with you to save all or at least part of this program. I think it is important to this Nation's future. I thank you for your leadership.

Senator SPECTER. Thank you very much, Senator Metzenbaum. Your statement will, of course, be included in the record.

Just a couple more questions, Mr. Morris. You say the principal thrust of the program has not been directed at those three items which I had asked you about based on your introductory statement—alcoholism, school violence, and violent crime—but that the objectives of the program were other objectives.

Would you recapitulate what those other objectives were?

Mr. MORRIS. The objectives were to take children, juveniles who are status offenders—truants and the like, runaways—and not have them end up, because of the absence of other facilities or other alternatives, in jails, detention centers, prisons.

In addition, the objective was for those children who in fact had committed a crime not to end up, because of the absence of alternatives, in prisons with hardened criminals.

Senator SPECTER. How would you evaluate the success of those objectives?

Mr. MORRIS. Sixteen States report full compliance with the requirement that juveniles be separated from adults. Twenty-five additional States report progress toward that goal. Forty-one States, then, have made what we consider substantial progress.

In the other area, deinstitutionalization, 41 States have achieved a 75 or better percent reduction in the number of status offenders and nonoffenders held in detention or correctional facilities. Therefore, in terms of those program goals, we have made very real progress.

I think the Congress, in enacting the legislation, and the people who worked on it are to be commended.

Senator SPECTER. Are you able to give any more specification as to how much progress the 25 States have made?

Mr. LAUER. We can provide that for the record, Mr. Chairman.

Senator SPECTER. We would like to have that.

Mr. LAUER. On a State-by-State basis.

Senator SPECTER. What has happened to the balance of the 9 States unaccounted for in the 16 or 25?

Mr. LAUER. Some of the States did not start participating in 1975. They started in later years. Regarding institutionalization, the statute provided a 5-year period for compliance from the beginning of their participation. Those States have not yet reached the point when they must be in substantial compliance. Four or five States or territories have not participated at all.

Senator SPECTER. As to the statistics, I believe you testified there was a 75-percent improvement in category 2 as to those who committed crimes and are incarcerated. What does that mean, Mr. Morris? How many juveniles adjudicated are in facilities with adults and how many are not?

Mr. MORRIS. That means 75 percent are not.

Senator SPECTER. Your statistic was a 75-percent improvement, I thought you said.

Mr. LAUER. On deinstitutionalization.

Senator SPECTER. Improvement from what?

Mr. LAUER. The deinstitutionalized status offenders and nonoffenders figure was keyed to a base of approximately 250,000 which was set in 1975.

Senator SPECTER. Two hundred fifty thousand what?

Mr. LAUER. Status offenders or nonoffenders, juveniles who were held in secure detention and correctional facilities.

Senator SPECTER. With adults?

Mr. LAUER. No, secure juvenile detention facilities.

Senator SPECTER. All right.

Mr. LAUER. The States had to achieve a 75-percent reduction in this 250,000 by December of last year.

Senator SPECTER. You are talking about a 75-percent reduction of those held in detention?

Mr. LAUER. Yes.

Senator SPECTER. Not those held in detention with adults?

Mr. LAUER. No, that is a separate clause. That would be the separation of those juveniles from adult.

Senator SPECTER. If you are talking about reducing those held in detention, you are talking about not incarcerating, or reducing the crime rate.

Mr. LAUER. You are talking about nonoffenders and status offenders who have been taken out of secure detention. They are down to something like 47,000 now.

The separation requirement is the requirement that States achieve 100 percent separation of all juveniles and adults.

Senator SPECTER. How do you define a nonstatus offender?

Mr. LAUER. We define the status offender, rather than defining the nonstatus offender—

Senator SPECTER. Either way.

Mr. LAUER [continuing]. As a person who has committed an act which would not be a crime, if it had been committed by an adult, such as truancy, unmarriageability—

Senator SPECTER. You are saying that status offenders had been incarcerated?

Mr. LAUER. Yes.

Senator SPECTER. The objective was to reduce the incarceration of status offenders?

Mr. LAUER. That is right.

Senator SPECTER. The objective was to reduce it by 75 percent?

Mr. LAUER. By 5 years and eventually down to zero.

Senator SPECTER. How many States complied with that requirement?

Mr. LAUER. Forty-six States are at the 75-percent level or very near 75 percent level. The difference—as you asked before, what happened to the other nine—is that the figure does not include the States which are not participating or which started late.

Senator SPECTER. The result is that the achievements have been very substantial but there is still a ways to go?

Mr. LAUER. That is correct.

Senator SPECTER. My final question for you, Mr. Morris, is this: In evaluating which programs to cut, and given the success of this program, are there none which have achieved less?

Mr. MORRIS. Yes.

Senator SPECTER. Why not cut them?

Mr. MORRIS. Within the Justice Department we have not made this kind of progress toward reducing the drug problem. We have not made progress in dealing with the illegal alien problem. We have achieved the principal goals of this statute. It does not seem to the Attorney General nor to the President that there was the same level of need for a program which has made this kind of progress toward its goals.

Senator SPECTER. The others in your judgment are just more important to keep on even though they have not achieved the same results?

Mr. MORRIS. That is correct.

Senator SPECTER. Is it realistic to ask you where the competition finally evolved as between this program and the others? Is that in the privileged category?

Mr. MORRIS. The answer to the first question is no, it would not be.

Senator SPECTER. If we had to make a tough choice among the three bottom programs, can we have the benefit of your thinking as to which were the other candidates?

Mr. MORRIS. As to which were the other candidates?

Senator SPECTER. Yes.

Mr. MORRIS. I am obviously not prepared to answer that. What we did was basically to look at the central missions of the Department of Justice, and those were enforcement of Federal laws and the defense of Federal statutes in the courts. That is our central mission. In those areas we argued quite strongly within the administration as to the importance to the President of the Justice Department's programs.



Senator SPECTER. I can appreciate it might not be possible or perhaps appropriate for you to give us those programs. Perhaps we might follow that up later in consultation to get the benefit of your thinking so we can make our own judgments.

Mr. MORRIS. Yes.

Senator SPECTER. Mr. Lauer, you are the Acting Director of OJJDP.

Mr. LAUER. Yes.

Senator SPECTER. How vigorous are you in support of the abolition of this program?

Mr. LAUER. You heard my testimony.

Senator SPECTER. I still think it leaves room for at least that one more question.

Mr. LAUER. I look at the Department in position as an attorney in the Department of Justice, and I do take a Department of Justice view as to the administration and Department positions. Yet I have mixed feelings because I have been involved, in a counsel role, with the juvenile justice program since it was first started. I do recognize some of the achievements they have accomplished and I recognize the commitment of the staff and the competence of the staff. I also see a great deal of value in what the States have been doing.

I guess you can say I am a little too personally involved to take a completely dispassionate view which reflects the Department's position 100 percent. Yet, I see the merit in the Department's position.

Senator SPECTER. Gentlemen, thank you very much for your testimony. I appreciate that in your coming here you are defending the Department's conclusion. We start with the Department's assertion from the Attorney General himself that it was a hard choice. It is a difficult matter and a difficult matter to articulate. We appreciate that, and we appreciate your candor.

Some of the members of the subcommittee could not be here because of conflicting assignments. There are tremendous duties which are present everywhere. There are many conflicting subcommittees, and the Senate is in session at the moment. Therefore, there may be supplemental questions addressed to you by other members of the committee.

You will have an opportunity to review the record to authenticate its accuracy. We appreciate your coming.

Mr. MORRIS. Thank you, Mr. Chairman.

Mr. LAUER. Thank you, Mr. Chairman.

[The prepared statement of Mr. Morris and additional material submitted by Mr. Morris and Mr. Lauer follow.]

#### PREPARED STATEMENT BY STANLEY E. MORRIS

Mr. Chairman and members of the Committee, the Department of Justice commends your genuine concern over the needs to improve juvenile justice. The Department's proposal to cease funding for the Juvenile Justice and Delinquency Prevention Program for fiscal year 1982 does not reflect disavowal of the goals of the program. The proposal simply testifies to the hard choices that the federal government must make in a time of financial stringency when reductions in a multitude of programs are demanded.

## THE STATUTORY GOALS

The Juvenile Justice program commenced in 1974 with the passage of the Juvenile Justice and Delinquency Prevention Act. States were invited to participate in the program upon two conditions: altering State law or policy to achieve the deinstitutionalization of status offenders and non-offenders from secure detention and correctional facilities, and undertaking a commitment to separate juveniles from adults in correctional institutions.

The Title II program of the JJDP Act has been funded and operated within the Department of Justice since 1974. It was reauthorized for a four year period in December 1980, and reiterated the shared Federal, state and local responsibility for preventing delinquency and assisting in providing alternatives to the traditional systems for processing youthful wrongdoers. The treatment of juveniles directly affects several components of the law enforcement and criminal justice system. In addition to discouraging the unnecessary institutionalization and incarceration of juveniles, the JJDP Act empowers the Department of Justice to address some aspects of drug and alcohol abuse, school violence and vandalism, and chronic, repeat juvenile offenders.

## RECENT BUDGET HISTORY

Since fiscal year 1978, Congress has appropriated annually \$100 million for Title II of the Juvenile Justice and Delinquency Prevention Act. In January 1981, the previous Administration requested an increase for fiscal year 1982 to \$135 million, which would partially offset the loss of approximately \$50.60 million in juvenile delinquency related funding formerly provided by the Law Enforcement Assistance Administration. In anticipation of phase-out, LEAA received no fiscal year 1981 appropriations. Approximately 20 percent of LEAA funds were channeled to juvenile delinquency programs.

## SIGNIFICANT AREAS OF PROGRESS

The six year life of the JJDP has witnessed substantial improvements in state and local juvenile justice systems with the aid of Federal technical and financial resources. In addition to research, training and standard setting activities, several Special Emphasis programs were specifically mandated by Federal edicts, including Restitution and Project New Pride, to offer models for possible replication. These programs have proven fruitful in reducing juvenile recidivism. The states can be expected to build on these examples.

A major impediment to improved management of the juvenile court system has been misguided assessment and disposition of countless status offenders (runaways, truants, and children in need of supervision, who have not committed an adult crime) and non-offenders (dependent and neglected children). A primary mandate of the JJDP Act was to cultivate inexpensive community based programs to which these youths could be referred in lieu of institutional placements states have taken notable strides toward community based referrals, thus diminishing the actual justification for direct financial Federal involvement in juvenile justice. The Act has evoked the following progress toward its goals.

Fifty-one states and territories now participate in the JJDP Act Formula Grants Program. All those participating have established systems for monitoring jails, lock-ups and facilities which are used to detain or incarcerate juveniles.

Seventeen states report full compliance with the requirement that juveniles be separated from adults convicted or awaiting trial, and 24 additional states report progress toward this goal.

Fifty states have demonstrated progress toward deinstitutionalization compliance, with 49 states demonstrating substantial or near substantial compliance (75 percent reduction in the number of status offenders and non-offenders held in juvenile detention or correctional facilities).

In the areas relating to Juvenile Code Revisions and Training, progress is reflected by the following:

Since 1977, at least nine states have enacted major juvenile code revisions: Alaska, Hawaii, Indiana, Iowa, Kentucky, Maine, Mississippi, North Carolina, and Washington. Other states, such as South Carolina, have undertaken a major reorganization effort to bring all child-related statutes into one comprehensive code.

Either through code revisions or by other means, more states are requiring their juvenile court personnel to receive additional training. JJDP resources made available through the National Institute for Juvenile Justice and Delinquency Prevention have helped provide over 500 judges, prosecutors and defense attorneys with training in sentencing alternatives, special legal issues and administrative procedures.



## THE FISCAL YEAR 1982 BUDGET

In March of this year, the President submitted to Congress a revised budget request for the Federal government for fiscal year 1982. The reduction for the Department of Justice substantially decreased the funding requested by the prior Administration. A total of \$231 million and 2,114 positions were eliminated.

The revised Department budget proposed the phase-out of the Juvenile Justice Program for several reasons:

In a time of government austerity, the Department of Justice must contribute to the President's overall economic program. The Department's primary obligations are to enforce federal law and to defend federal statutes. While recognizing the goals of the juvenile justice program, the Department concluded that federal funding could not be justified.

The federal government's six year endeavor to encourage state and local governments to improve the quality of juvenile justice has achieved clear results. We have spent over a half a billion dollars over the past five years to meet the goals of the Act, and have been rewarded by substantial progress in most states toward meeting the primary goals of the Act. In addition, improved ways of dealing with juvenile justice offenders have been identified. We believe that the impressive strides made recently by states and localities to upgrade their juvenile justice systems demonstrate a capacity and commitment to continue this improvement despite the absence of federal funds.

Noting varied social service needs in the several states and varied progress towards addressing the problems of juvenile justice, the President determined that this program was a candidate for inclusion in the HHS block grant. It is the Administration's firm belief that governors and mayors should be given the flexibility to use federal funds in those areas where the greatest impact on local problems can be achieved. A \$100 million categorical and formula grant program, with its administrative overhead, simply does not meet the Administration's test for an essential federal program in a period of fiscal austerity. Addressing the problems of juvenile justice is primarily a state and local responsibility. Therefore, it is our intention to include this program in the HHS block grant.

Let me elaborate on the block grant proposal. This Administration is committed to consolidating many of the Federal grant programs to the states in order to eliminate unnecessary restrictions on those programs and to increase flexibility by the administering jurisdictions. Proposals to accomplish this are now in varying states of development. Because a draft bill incorporating juvenile justice is still under development, I cannot address the specifics of such a proposal at this time. I would, however, like to mention some general considerations important to our formulation of this proposal.

The program which is being developed would substitute a block grant with a minimum of requirements, for a number of existing federal financial assistance programs. The proposed grant program would enable states to make better use of both the Federal funds and of the state and local government funds available for the purposes of the legislation. It would remove unnecessary, restrictive, and duplicative Federal requirements and conditions on the use of funds. States would be given broad latitude to give priority to those needs identified by each particular state.

The multiplicity and categorical nature of present Federal programs results in numerous problems. By removing requirements and earmarks giving priority to specific areas and population groups, the ability of state and local governments to concentrate resources on meeting needs they determine to be most serious will be enhanced. By eliminating excessive administrative and reporting requirements, as well as unnecessary standards, more efficient administration will be encouraged, thus freeing resources for the provision of services.

## VIOLENT CRIME TASK FORCE

I mentioned earlier the Department's concern with violent crime. As you know, Mr. Chairman, the Attorney General recently announced the formation of a task force on violent crime, composed of individuals with distinguished backgrounds in criminal justice. This new advisory body was created because of the convictions of this Administration that the problem of violent crime, although primarily falling within the jurisdiction of state and local law enforcement agencies, has now reached such an alarming level that leadership on the part of the Federal government is both desirable and necessary.

The new task force will be considering and recommending ways in which the Department of Justice can appropriately exercise leadership and provide assistance in this area of critical importance to the American people. Of course, no examina-

tion of violent crime would be complete without consideration of the role of juveniles in the crime problem. The Office of Juvenile Justice and Delinquency Prevention has prepared a background paper for the use of the Task Force to discuss both juvenile and adult violent crime. I have brought a copy with me for the information of the subcommittee.

In sum, Mr. Chairman, the Attorney General is committed to working towards the orderly phase out of the Juvenile Justice program and entrusting to states and localities the authority to identify and fund social service programs they perceive as urgent.

I would be happy to try to answer any questions you may have.

[The following material was subsequently submitted for the record:]

## PRELIMINARY DISCUSSION PAPER ON SERIOUS AND VIOLENT JUVENILE CRIME

### INTRODUCTION

This paper represents an analysis of violent juvenile crime as it relates to violent adult criminality and The Juvenile Justice and Delinquency Prevention Act program. It also examines the various forms in which violent juvenile crime is manifested, public views and concerns, and approaches which might be taken to deal with this problem.

### DEFINITIONS

For the purposes of this paper "violent crime" is defined as including murder, forcible rape, robbery, and aggravated assault. This definition is consistent with that used by the Federal Bureau of Investigation (F.B.I.) in its Uniform Crime Reports (UCRs).<sup>1</sup>

"Juvenile" is defined as including youths under the age of 18.

### RELATIVE CONTRIBUTION OF JUVENILES TO THE TOTAL VOLUME OF VIOLENT CRIME IN THE UNITED STATES

There are two sources of Nationwide data which address the above issue, police arrests reported in the F.B.I.'s UCRs and victimization studies.

### ARRESTS

In 1979 juveniles accounted for 20.1 percent of all arrests for violent crimes. With respect to particular offenses, juvenile arrests represented 9.3 percent of all arrests for murder, 15.9 percent of all arrests for rape, 31.5 percent of all arrests for robbery, and 15.5 percent of all arrests for aggravated assault.<sup>2</sup>

In contrast, during 1979, persons aged 18-20 accounted for 17.8 percent of all violent crime arrests, and persons aged 21 and above, 62.1 percent of all such arrests. Although arson is not considered to be a violent offense in the UCRs, many experts do view it as such—particularly when lives are endangered. In 1979, juveniles accounted for 49 percent of all arrests for arson.

When arson is included in the violent crime category, it appears that persons under 18 are arrested for about one-fourth of all violent crimes in the U.S. The above data clearly illustrate the disproportionate involvement of juveniles in violent criminality, especially when one considers that in 1979, youths aged 10-17 represented 13.8 percent of the total U.S. population.

### VICTIMIZATIONS

Since 1973 the (now) Bureau of Justice Statistics has sponsored National victimization surveys of individuals (aged 12 and above) and commercial businesses. The survey focuses on illegal behaviors in which victims come face-to-face with offenders (rape, personal and commercial robbery, assault, and personal larceny). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has sponsored special analyses of these data in which, for comparative purposes, the criminal involvement of juvenile offenders (under 18 years of age) compared with those of youthful offenders (18 to 20 years old) and adult offenders (21 or older). These analyses by Dr

<sup>1</sup> References will be provided upon request.

<sup>2</sup> Arrest data may overestimate the number of crime incidents among juveniles since they tend to commit crimes in groups. Consequently, several juveniles are sometimes arrested for a single offense. On the other hand, arrest data generally underestimate the volume of criminal behavior since victimization surveys have shown that a significant proportion of such behavior is not reported to police.

Michael Hindelang and his colleagues have revealed the following with respect to the relative involvement of juveniles in the above offenses—as perceived by those victimized:

(1) During the period 1973-1977, juvenile offenders accounted for 23 percent of all victimizations (for the above face-to-face offenses).

(2) During the period 1973-1977, juveniles accounted for an average of 8.2 percent of all rapes; 24.2 percent of all robberies; 17.8 percent of all aggravated assaults; and 30.4 percent of all personal larcenies.

(3) During the period, 1973-1977, juveniles had a higher estimated rate of offending in total personal crimes (per 100,000 persons in each population subgroup) than adults. The respective rates in 1977 were 4,852 for juveniles and 2,582 for adults. Youthful offenders (aged 18-20) had the highest rate in 1977: 8,116 per 100,000 population.

Another important finding from this study was that juveniles, youthful offenders, and adults tend primarily to victimize others in their own age group.<sup>1</sup> For example, the elderly are more than twice as likely to be victimized by adults as by juveniles.

An early study of contemporary juvenile victimization (that is, of juveniles who commit offenses against each other) was conducted in Philadelphia in 1971-1972. Over 500 black and 500 white juvenile males were interviewed in 1971 and again in 1972; white males were only interviewed in 1972.

The percentage of black juveniles who reported in 1971 to have been the victims of the most violent crimes were: robbery (38 percent) and assault (16 percent); and in 1972: robbery (30 percent) and assault (18 percent).

The percentages of white juveniles who reported in 1972 to have been the victims of the above offenses were: robbery (25 percent) and assault (23 percent).

#### FORMS OF JUVENILE VIOLENCE—GENERAL PATTERNS

As was noted above, UCR arrest data indicate that the violent offense for which juveniles are arrested most frequently is robbery. In 1979, juvenile arrests represented nearly one-third (31.5 percent) of all robbery arrests. That percentage consisted of 41,157 juvenile robbery arrests in 1979.

Analyses of victimization data also indicated that juveniles were perceived by victims to be the offender in a larger percentage of robberies (24.2 percent) than any other of the "violent" offenses (which exclude personal larcenies: 30.4 percent).

#### YOUTH GANGS

A National assessment of youth gangs during the 1970's conducted by Dr. Walter B. Miller and sponsored by OJJDP, revealed youth gangs to be quite prevalent and to represent a growing and increasingly serious threat to public safety. Youth gang problems were reported by five (5) of the six (6) "largest" cities (population one million or more), 17 of the 36 metropolitan areas (population one million or more), and 40 of the Nation's 150 "large" cities (population 100,000 or more). The West has replaced the Northeast as the region with the greatest number of "large" gang problem cities: over one-half of the U.S. total. Fifty percent of the Nation's "large" gang problem cities were found in California alone, which contains 13 percent of the "large" U.S. cities. Cities and towns with gang problems were located in 11 of California's 17 metropolitan areas.

Gangs are disproportionately concentrated in the largest cities. About one-half of the Nation's gangs, and two-thirds of all gang members, are located in the ten greatest gang problem cities (New York, Chicago, Los Angeles, Philadelphia, Detroit, San Diego, San Antonio, Phoenix, San Francisco, and Boston). Nevertheless, about one-half of the Nation's gangs, and about one-third of its gang members are found in cities with a population of 500,000 or less. Thus the 1970's witnessed a greater probability of finding gangs in cities of smaller size than has traditionally been the case.

There are about 2,200 gangs with 96,000 members located in approximately 300 U.S. cities and towns.

<sup>1</sup>These victimization surveys underestimate the extent to which juveniles are the offenders since the surveys cover a Nationally representative sample of adults but not juveniles—given the finding that juveniles tend to commit offenses primarily against each other.

<sup>2</sup>Dr. Miller has identified five features of gangs which distinguish them from other types of groups being formally organized, having identifiable chain-of-command leadership, claiming a turf, associating continuously, and being organized for the specific purpose of engaging in illegal activity.

## GANG-RELATED CRIME

Systematic and reliable data pertaining to this issue are rare. The following are the best estimates that can be made. They are based on data Dr. Miller obtained on about 60 of the Country's 300 gang problem cities.

In the mid 1970's, arrests for violent crimes of males under 18 in all U.S. cities comprised 10 percent of all arrests of persons of all ages. In the three (3) largest cities, New York, Chicago, and Los Angeles, the equivalent figure was 15 percent. However, in 1974, 55 percent of gang member arrests were for violent crimes in those three cities. Although the number of gang members in N.Y., Chicago, and L.A. during the mid 1970's was equal to about 6 percent of the number of males aged 10-18, arrests of gang members in those cities represented about 11 percent of juvenile arrests for all offenses, and 42 percent of juvenile arrests for violent offenses.

The greater tendency of gang members than other youth to engage in violent forms of crime is illustrated in New York City data. A comparison of arrests among N.Y. gang members with those of non-gang youth in that city showed that gang members were arrested in significantly higher proportions for robbery, rape, assault, and weapons violations. Robbery ranked first as a basis for arrest of gang members, with 30 percent of their arrests for this offense, compared to 7 percent for non-gang youth.

Killings play a major role in the criminal activities of juvenile gang members. In 60 of the Nation's 300 gang problem cities alone, approximately 3,400 gang-related homicides were recorded during the period 1967-1980. During 1979, gang killings accounted for 58 percent of arrests of juveniles for homicide.

## LAW-VIOLATING YOUTH GROUPS

These groups which include gangs are responsible for an enormous amount of crime. They are particularly active in offenses such as larceny, burglary, robbery, assault, drug and alcohol violations, disorderly conduct, vandalism and arson. Approximately 47 percent of all "serious" crimes (Part I of the F.B.I. index crimes, which includes serious property offenses by individuals and groups of all ages, and about 71 percent of all serious crimes by youths, are the product of law-violating youth groups.

The special analyses of victimization data discussed earlier, also illustrate the extent to which juvenile violence is a group phenomenon. The percentage of personal victimizations in which three or more offenders were perceived by victims to be involved were examined. For the more violent crimes the percentages were: robbery 74 percent, rape 23 percent, and aggravated assault 22 percent. It was found that the likelihood of involvement of three (3) or more offenders in a particular offense decreased with age. For example, in the case of robbery, the percentages were 34 for juveniles, 30 for youthful offenders, and 22 for adults.

It is clear from these data that juvenile violent crime is to a considerable extent a group phenomenon, and that gangs account for a large proportion of such crimes which are committed in a group context.

## SCHOOL CRIME

In 1976-1977, the National Institute of Education surveyed a Nationally representative sample of over 1,000 public elementary and secondary schools with respect to the incidence of disruptive, criminal and violent activities. The following were among the findings:

1. The risk of violence to teenage youngsters is greater in school than elsewhere. A remarkable 68 percent of the robberies and 50 percent of the assaults on youths aged 12-15 occur at school.

2. Around 6,700 schools are seriously affected by crime.

3. An estimated 282,000 students are attacked at school in a typical one-month period (42 percent of which involved some injury).

4. An estimated 112,000 students have something taken from them by force, weapons, or threats in a typical month.

5. An estimated 5,200 teachers are physically attacked at school in a month's time.

These data clearly show that violent juvenile crime is to a large degree a school context as well as a street problem.

Dr. Miller defines a law violating youth group as an association of three or more youths whose members engage recurrently in illegal activities with the cooperation and/or moral support of their companions. Such groups include burglary rings, robbery bands, larceny networks, extortion cliques, drug-dealing networks, and assaultive cliques.

## JUVENILE OFFENDERS

The above analysis has focused primarily on juvenile offenses. We now turn to an examination of juvenile offenders and their characteristics.

## VIOLENT JUVENILE OFFENDER CHARACTERISTICS

Dr. Charles P. Smith and his colleagues at the American Justice Institute have identified the characteristics of violent juvenile offenders, which are summarized below. Based on arrest data, the typical violent juvenile offender is likely to be a white male, aged 17. Composite profiles by offense follow.

(1) *The juvenile murderer*.—Likely to be 16 or 17 years of age, almost exclusively male, and often likely to be white. However, blacks are arrested for a disproportionate amount of murder offenses although there are indications that blacks are becoming less disproportionately involved.

(2) *The juvenile rapist*.—Generally same as murderer—17 years old, male, predominantly white. Recent trends suggest an even greater likelihood that a juvenile arrested for this crime will be disproportionately black (1975-1977 trends).

(3) *The juvenile robber*.—Similar to other violent profiles. 16 or 17 years old, male, and black. Important distinctions between the armed and unarmed events are not currently possible. Some information does suggest an increase of females in armed robbery. This is based upon insufficient evidence, however.

(4) *Aggravated assault*.—Again, similar to the three (3) violent index crimes, older juvenile age groups (16, 17), male, and predominantly white (but disproportionately black). Here, however, UCR arrest data suggest that those arrested for this crime in the future will be disproportionately more likely to be white.

## THE CHRONIC JUVENILE OFFENDER

Studies of juvenile offender careers have added much to our understanding of the violent juvenile offender. It is commonly believed that juveniles progress from less to more serious criminality. Offender career studies have shown that this is typically not the case. Such studies have also revealed that a very small proportion of juvenile offenders account for a startling percentage of violent crimes.

(1) Wolfgang and Sellin's study of 10,000 Philadelphia juveniles revealed that approximately 15 percent of the total sample was responsible for 80-85 percent of all serious crimes, chronic offenders (5 or more police contacts), who constituted 6 percent of the sample, accounted for 51 percent of all offenses, 60 percent of all serious personal and property offenses, over two-thirds of all arrests for violent crimes, and 71 percent of all robberies.

(2) Hamparian and her colleagues' study of over 1,000 juveniles born from 1956 to 1960 who have been arrested for at least one personal offense in Columbus, Ohio indicated that 10.6 percent of the total sample accounted for 37 percent of all violent offenses (armed robbery, forcible rape, murder, and aggravated assault).

(3) In the Vera Institute of Justice study, in New York City of over 500 youth upon whom delinquency petitions had been filed in court, 6.1 percent committed two or more violent offenses. However, they committed 82.2 percent of all violent offenses committed by the total sample.

(4) Shannon studied three (3) groups of juveniles born in Racine, Wisconsin in 1942, 1949, and 1955 (total sample, over 4,000). Approximately 5 percent of each group was responsible for about 75 percent of all felony offenses. About 8 percent to 14 percent of each group was responsible for all of their group's felonies.

Although those studies clearly show that a very small proportion of juvenile offenders account for the bulk of violent youth crime, defining and isolating those chronic offenders is a formidable task. The commission of a violent offense is not necessarily followed by another one, rather, violent offenses among juveniles are almost randomly distributed in the total array of offenses. In the Columbus study, over one-half of those youths who committed a violent offense were never arrested again for a violent offense. Most researchers in this area contend that the current prediction technology is not sufficient to base prevention or sentencing procedures on predictions about future criminal or violent behavior.

## COSTS OF VIOLENT JUVENILE CRIME

The total cost of serious (Part I, UCR) crime (juvenile and adult) has been estimated by Dr. Charles P. Smith and his colleagues to be \$35 billion in 1975 (in 1977 dollars). Serious juvenile crime costs were found to amount to \$10 billion, or 29 percent of total serious crime costs.



Juvenile violent crime was estimated to cost just over \$5 billion in 1975 (in 1977 dollars) which represents 50 percent of total serious juvenile crime costs. The aggregate primary direct costs of violent juvenile crimes were estimated to be:

*Costs of violent juvenile crimes*

Robbery (without serious physical injury).....	\$788,792,920
Robbery (resulting in serious injury).....	1,263,989,900
Assault (without serious physical injury).....	1,347,049,200
Assault (resulting in serious injury).....	964,207,530
Rape (without serious physical injury).....	292,502,320
Rape (resulting in serious injury).....	128,925,900
Homicide.....	301,235,740
Total.....	5,086,703,510

TRENDS

The following is the basic question. Is violent juvenile crime increasing? or Does the public believe violent juvenile crime is increasing?

It is unclear as to whether or not violent juvenile crime is increasing or all at this time. Based on arrest data, its volume appeared to have been increasing up to 1975, after which it seems to have leveled off.

The F.B.I.'s UCRs show that from 1970 to 1979, the number of juvenile arrests for violent crimes increased by 41.3 percent. From 1975 to 1979, these arrests decreased by 10.5 percent. Yet from 1978 to 1979 the number of juvenile arrests for violent crimes increased by 2 percent.

Dr. Charles P. Smith has concluded that the rate of violent crimes by juveniles is probably increasing. His analyses indicate that the rate of arrests for violent crimes of persons under 18 increased by 80.1 percent from 1967 to 1979 and by 5.4 percent from 1977 to 1979.

It is clear, however, that the general public believes violent crime, overall, to be increasing.

In its March 23, 1981 issue, Time magazine featured a cover story of "The Curse of Violent Crime" in which it reported that "a pervasive fear of robbery and mayhem threaten the way America lives." The article concluded that "there is something new about the way that Americans are killing, robbing, raping and assaulting one another", that violent crime is "rampant" in areas other than the inner-city, and that "the crimes are becoming more brutal, more irrational, more random—and therefore all the more frightening."

In a recent National survey conducted by the Washington Post and ABC News, respondents were asked whether they felt Federal spending for "fighting crime" should be increased, decreased, or left at about the same level. A total of 74.1 percent felt that it should be increased. Only 5.6 percent felt that it should be decreased; and 17.9 percent felt that it should be left at about the same level. Most interesting, a large percentage felt that Federal spending to fight crime should be increased a "great deal" than in the case of any other response category. For example, while 47.6 percent of the respondents felt that Federal spending to fight crime should be increased a great deal, 38.5 percent felt that military spending should be increased a great deal.

Newsweek sponsored a National survey between January 16 and 23, 1981 which focused on violent crime. The results were published in its March 23, 1981 issue which featured a cover story entitled "The Epidemic of Violent Crime." The survey revealed that 58 percent of Americans believe there is more crime in their neighborhood than just a year ago. When asked: "Do you think criminals today are more violent than they were five years ago?" 75 percent responded "yes". Respondents were also asked: "Is there any area within a mile of your home where you would be afraid to walk at night?", to which 53 percent responded "yes" and 46 percent, "no". The extent to which Americans have made changes in their lifestyle because of fear of crime was illustrated in responses to the question. "Which of these precautions against violent crime have you taken?" Respondents said: try not to go out alone at night (64 percent), never carry very much cash (79 percent), avoid certain areas even during the day (60 percent), avoid wearing expensive jewelry (64 percent), keep a gun or other weapon (31 percent), and keep a dog for protection (44 percent).

Although surveys such as these typically do not ask respondents to make a distinction between fear of juveniles versus adults, it is extremely unlikely that the public makes such a distinction—particularly with respect to violent crime.

Recent news articles, editorials, and features indicate an increasing public concern about violent juvenile crime—particularly gang-related violence and so-called

"diddle crime" The New York Daily News recently characterized 7-12 year olds who commit felonies as "a new class of criminals" and proclaimed. "It took a 9 year-old boy holding up a bank at gunpoint to call our attention—dramatically and shockingly—to the rise in serious crimes committed by children."

While we do not have evidence of such an increase in serious crimes by children under 13 years of age, the public concern is something with which we must reckon.

There is also evidence that public fear of violent juvenile crime is considerable. The most dramatic evidence of such fear was illustrated in the Philadelphia study of victimization discussed earlier. Therein the following percentages of youth studied described 13 social settings as "dangerous" streets within a block of where they live (42 percent), streets more than a block away from where they live (66 percent), parks (50 percent), playground (48 percent), recreational center (39 percent), trolley or buses (43 percent), subways (65 percent), movie houses (49 percent), dances (48 percent), streets to and from school (54 percent), school yards (44 percent), school hallways (34 percent), and school rooms (21 percent). Parents of the black youths studied evidenced fear levels considerably higher than those of their children. They were particularly frightened about the possibility of their children being injured or robbed either at school or in their immediate neighborhood.

What can we expect in the future with respect to the level of violent juvenile crime? Most experts expected it to decrease beginning in the 1970's and to continue at a lower level for some time thereafter—because of the fact that the "baby boom" group would have passed through the crime-prone years of age. However, Professor Franklin Zimring and Dr. Walter Miller, working independently, analyzed demographic trends, which led them to predict that youth violence would not decrease substantially before the 1990's because of a higher birth rate within the most violent-prone, inner-city population.

Two other recent developments must also be taken into account. First, the birth rate has been increasing. The baby boom parents will soon have provided a substantial group of "at risk" juveniles. Second, as Newsweek noted in its article referenced earlier, there has been a recent increase in stranger-to-stranger violence. (Historically, the bulk of violence has been committed against family, friends, and acquaintances.)

These recent developments may serve to increase the level of violent juvenile crime. However, their effects could well be offset by the recent migration from the inner-cities. Or, can we expect the context of juvenile violence to shift from the cities to their suburbs? From 1978 to 1979, the UCRs indicate that arrests of juveniles for violent crimes increased 1.8 percent in cities, 4.5 percent in suburban areas, and 5.4 percent in rural areas. Whether or not a lasting trend is being set is uncertain at this time.

#### WHAT CAN BE DONE?

It is important to recognize that little can be done in the short-run to reduce violent juvenile crime—or adult either for that matter. Much has been tried in the past two decades with little success. Philosophical and theoretical differences as to how to go about the task of reducing/preventing violent crime are clearly illustrated in the Burger Bazelon debate: swift punishment vs. root causes. This paramount policy issue will not be resolved soon.

The key questions are (1) What is the most appropriate Federal role? and (2) What are the policies that should be implemented?

#### APPROPRIATE FEDERAL ROLE

Because crime is basically a State and local problem, an appropriate Federal role in the violent crime arena is a research and development approach: development and rigorous testing of innovative strategies (and old ones previously executed poorly) and an aggressive program of information dissemination, training, and technical assistance to States, cities, and localities. The need for Federal leadership has never been greater in the crime and delinquency field.

The effectiveness of such an R & D approach depends in large part upon a solid research foundation. In the juvenile area, OJJDP, through its National Institute for Juvenile Justice and Delinquency Prevention, has sponsored a wide range of research on serious and violent juvenile crime. The research includes studies of juvenile offender career patterns, victimization, evaluation of approaches to reducing school violence, evaluation of intervention approaches for chronic, serious juvenile offenders, evaluation of restitution programs, juvenile gangs, secure care, evaluation of family violence reduction programs, and others. Such research should be continued.

Identification of other appropriate Federal responses to violent juvenile crime may require completion of a more detailed review of related factors, completion of efforts currently underway, and development of the R. & D. approach referred to earlier.

The OJJDP convened a national workshop in January 1980 to receive input and recommendations from national experts on serious and violent juvenile crime. The objective was the development of a new program in this area. The workshop involved experts representing a variety of perspectives, including Dr. Marvin Wolfgang, University of Pennsylvania, Dr. Paul Strasburg, Commissioner, New York, Mr. Mario Merola, District Attorney, Bronx, New York, Dr. Donna Hamparian, Academy for Contemporary Problems, Dr. Charles Smith, American Justice Institute, and Mr. Robert Woodson, American Enterprise Institute. The participants made the following major recommendations:

1. Limit the focus of the program to violent juvenile crime;
2. Design a two-part program aimed at developing effective methods for treating and reintegrating violent juvenile offenders, and at developing effective community strategies for preventing juveniles from committing violent crimes, and
3. Educate the public regarding the nature of and solutions to violent juvenile crime.

Also at the beginning of 1980, the National Assessment of Serious Juvenile Crime, conducted for OJJDP by Dr. Charles P. Smith and his colleagues at the American Justice Institute, was published. This four volume report entitled, A National Assessment of Serious Juvenile Crime and the Juvenile Justice System: The Need for a Rational Response, was used by OJJDP in its program development work on a violent juvenile offender program. In addition, particular attention was given to the results of OJJDP-sponsored research.

#### OJJDP VIOLENT JUVENILE OFFENDER R. & D. PROGRAM

The OJJDP now has underway a Violent Juvenile Offender Research and Development Program, which consists of two parts. Part I is focused on improving juvenile justice system handling of violent juvenile offenders and rehabilitation of violent youth. Part II involves development and testing of neighborhood strategies to prevent involvement of juveniles in violent criminality. It is likely that some gang prevention work will be sponsored under the second part. This program should be continued. In addition, two other efforts should be given careful consideration.

#### JUVENILE GANG INTERVENTION

The evidence presented earlier with respect to violent juvenile gang activities is sufficiently compelling to warrant Federal support of a major initiative focused on youth gangs and law-violating youth groups. Dr. Walter B. Miller, who conducted the National assessment, has developed a tentative program design which merits serious consideration. It consists of three parts:

1. *Information gathering diagnosis.*—This activity would involve systematic collection analysis of data pertaining to cities' collective youth crime situation, including numbers, sizes, locations, membership, and major criminal activities of problematic youth gangs and law-violating youth groups.

2. *Generalized program planning and interagency coordination.*—This component would involve calling upon States and cities to assume primary responsibility (with minimal Federal involvement) for developing and coordinating intervention approaches.

3. *Specific program planning and implementation.*—For this function, the key entity would be the local neighborhood, community or district with active assistance from the city. Dr. Miller recommends the "neighborhood based team" as holding good potential for both prevention and control in many urban neighborhoods. Such teams would consist primarily of local residents and include representatives of selected agencies and interests. A major function of the teams would be analysis work. Appropriate measures for various situations would be determined by the team, ranging from employment assistance to application of legal sanctions. The key to success of the teams, Miller argues, would be that decisions such as to arrest youths or return them to incarceration settings would be made initially by the team and would be seen as accommodating the desires of the community rather than as arbitrary measures.

#### CHRONIC JUVENILE OFFENDER PROGRAM

There is no question that James Q. Wilson has identified a critical need in juvenile justice to heighten the credibility of the juvenile justice system of the legal and moral code it is charged with enforcing.



In the Newsweek survey (discussed earlier) respondents were asked, "How much confidence do you have in the police to protect you from crime?" Forty-two percent replied "not very much." They were also asked, "How much confidence do you have in the courts to sentence and convict criminals?" Fifty-nine percent replied "not very much."

It is imperative that an adequate share of the resources available to the juvenile justice system be focused and concentrated predominately on serious and violent juvenile crime. It has been estimated that direct losses resulting from serious juvenile crimes amount to about \$10 billion annually. The estimated losses from status offenses and minor delinquency are \$1 billion annually. Yet police processing costs are about the same for two groups (about \$500 million each year).

Chronic juvenile offender programs provide an excellent vehicle for ensuring such a concentration. They also hold promise for reducing violent crime. Such a program might be based upon the following policies, as recommended by Haniparian and her associates in the Columbus study:

- 1 Early intervention in a youth's delinquency career, with
- 2 Predictable consequences graduated according to the seriousness of the offense and the particular juvenile's prior history, and
- 3 Provision of purchased as well as direct rehabilitation services.

Two strong cautionary notes are in order. As noted earlier, prediction of individual violent youth criminality remains an elusive goal. Our present ability to predict which individual offenders are likely to begin or persist in violent behavior, or respond to rehabilitative efforts is dismal—except in rare cases of histories of violence. Research aimed at improving the state-of-the-art of prediction in this area is urgently needed. In the mean time, as Roysner and Edelman have noted, "there is no substitute for careful judicial attention to the nature and circumstances of particular offenses and the prior history of individual offenders in applying criminal sanctions." Therefore, any chronic juvenile offender program implemented would require extensive training, particularly for police, prosecutors, defenders, and juvenile court judges.

The second point of caution is that it would be a mistake to expect the juvenile justice system to control violent juvenile crime. Michael Smith has observed that if we have this expectation for the system "we will destroy its ability to do justice. We won't get what we are looking for, and we may lose what we have."

Efforts must be undertaken quickly to better understand the consequences of applying formal sanctions in the juvenile justice system. The Columbus study concluded that the development of criminal careers was accelerated by incarceration because episodes of incarceration were followed by succeeding shorter periods between release and the next arrest. Similarly, Shannon found an increase in frequency and seriousness of misbehavior in the periods following those in which sanctions were administered."

On the other hand, the evaluation of an Illinois program for chronic, serious/violent inner-city youth—the Unified Delinquency Intervention Services Program—found that program which incorporated a system of graduated sanctions, to show considerable promise. The value of a policy of graduated sanctions, should be explored further to determine if it may be a key to success of chronic juvenile offender programs.

Two other elements of chronic juvenile offender programs may be important to their success and should be given careful consideration. The first of these is elimination of plea bargaining, in order to ensure the certainty and integrity of sanctions. Another is improved diagnostic and classification capabilities. This latter area requires much attention because the state-of-the-art in terms of prediction is dismal. If such improvements are not made, there is considerable likelihood that a large number of youth could be locked up who do not represent a threat to public safety. Another consequence would be excessive use of costly incarceration, which we cannot afford. As the recent Newsweek article noted under "Lock 'Em Up—But Where?", adult and juvenile correctional facilities are filled and, in many cases, overflowing. A liberal policy of use of incarceration will create a similar situation of overcrowding in juvenile correctional institutions to that currently present in adult prisons unless States follow Massachusetts' lead in closing their large juvenile training schools. In Massachusetts, remarkably, only about 11 percent of the total number of juveniles previously incarcerated in training schools are now in small secure facilities.

Two important policies are at issue here which have not yet been explicitly stated, deterrence and incapacitation. Deterrence refers to the inhibiting effect of sanctions or the criminal activity of people other than the sanctioned offender. Incapacitation refers to the effect of isolating the identified offender from the larger society, thereby preventing him or her from committing crimes in that society. A distin-

guished panel of researchers was convened in 1975 by the National Academy of Sciences to assess the scientific validity of both policies. The panel concluded that "we cannot yet assert that the evidence warrants an affirmative conclusion regarding deterrence." With respect to incapacitation, its conclusion was positive. However, the panel called for a comprehensive program of research in both areas in order to improve our understanding of the effects of these policies.

We must also learn from the experiences of those States which have tried special legislative approaches to dealing with violent youth crime. An excellent case in point is the New York Designated Felony Act and the Juvenile Offender Law. The former legislative act provided for stronger sanctions in instances of designated felonies (violent crimes) committed by 14-15 years olds, and the latter originated juvenile prosecution in the adult system for chronic, violent delinquents. Although it is still too early to assess fully their impact, the evaluation to date indicates the Juvenile Offender Law "in many respects to be a failure." Other States have enacted legislation which recognizes the juvenile justice system's failure to deal effectively with serious juvenile offenders. Evaluation of such innovations are critical in order to inform other jurisdictions of various legislative attempts which may be appropriate for their situations.

In sum, chronic juvenile offender programs hold considerable promise for restoration of the credibility of the juvenile justice system and reduction of violent criminality, however, much program development work must be undertaken before that promise can be realized.

[Memorandum]

APRIL 16, 1981.

Subject: Response to Question on Separation Raised by Judiciary Committee.

To: Carla Slyke OEA.

From: William Modzeleski, OJJDP.

Attached is our response to the question raised by Senator Specter on progress made by States in separating juveniles from adult offenders (Page 29 of transcript.)

If additional information is needed, contact me at 724-7751.

Attachment.

Section 223a(13) requires no regular contact (i.e., sight and sound separation) between incarcerated juveniles and adults. The requirement of this provision is to be placed and implemented immediately by each state in light of the constraints on immediate implementation. Full compliance is required where no constraints exist. Where constraints exist, the date or period of time as provided within the latest approved plan is the compliance period deadline. Those states not in full compliance must show progress toward achieving compliance annually until the date of full compliance is reached. The rate of achieving compliance should be consistent with the timetable provided in the state plan for separation requirement, they report on the number of juveniles held in regular contact with adults and whether progress is being made toward compliance with the requirement.

There are currently 50 states and territories participating in the JJDP Act. Of the 50 states, 16 report compliance with the separation requirement and 25 report progress. Five states report no progress and the extent of progress could not be determined in 4 states.

The attached chart identifies the following:

- (a) The 50 participating states/territories;
- (b) The 7 non-participating states/territories;
- (c) The number of juveniles held in regular contact with adult offenders, by state, for all 50 participating states;
- (d) The 16 states in compliance;
- (e) The 25 states reporting progress;
- (f) The 5 states reporting no progress;
- (g) The 4 states for which progress could not be determined.

Status offenders are juveniles alleged to have committed an offense which would not be an offense if committed by an adult, such as running away, beyond control, truancy, incorrigibility, etc. Non-offenders include dependent, neglected, abused, and other juveniles who have not committed act which violates State law.

TITLE 2 Number of Juveniles Held in Regular Contact with Adult Offenders for a 12 Month Period (Based upon most recently reviewed monitoring report)					
	Number Held	In Compliance	Progress	Progress Not Determinable	No Progress
ALABAMA	3,228 *1		X		
ALASKA	641		X		
ARIZONA	10		X		
ARKANSAS	996 *2		X		
CALIFORNIA	3,178		X		
COLORADO	3,180		X		
CONNECTICUT	2		X		
DELAWARE	1		X		
DIST OF COLUMBIA	0		X		
FLORIDA	Not provided				
GEORGIA	600 *2		X	X	
HAWAII	not participating				
IDaho	4,219				
ILLINOIS	701		X		
INDIANA	8,580 *3				
IOWA	5,058				X
KANSAS	348 *2		X		
KENTUCKY	7,506 *3		X		
LOUISIANA	591		X		X
MAINE	113		X		
MARYLAND	0	X			
MASSACHUSETTS	0	X			
MICHIGAN	0	X			
MINNESOTA	0	X			
MISSISSIPPI	516 *1		X		
MISSOURI	1,248		X		
MONTANA	971		X		
NEBRASKA	not participating				
NEVADA	not participating				
NEW HAMPSHIRE	8 *3	X			
NEW JERSEY	452 *1		X		
NEW MEXICO	1,308 *2		X		
NEW YORK	0	X			
NORTH CAROLINA	0	X			
NORTH DAKOTA	Not participating				
OHIO	1,305		X		
OKLAHOMA	not participating				
OREGON	799		X		
PENNSYLVANIA	23		X		
RHODE ISLAND	0	X			
SOUTH CAROLINA	540 *2		X		
SOUTH DAKOTA	not participating				
TENNESSEE	7,894 *3				
TEXAS	316		X		X
UTAH	not provided				
VERMONT	0 *2	X		X	
VIRGINIA	704		X		
WASHINGTON	444		X		
WEST VIRGINIA	430		X		
WISCONSIN	1,857				X
WYOMING	not participating				
PUERTO RICO	1	X			
AMERICAN SAMOA	0	X			
GUAM	0 *1	X			
TRUST TERRITORIES	49		X		
VIRGIN ISLANDS	62		X		
NO MANILAS	30	X			

LEA FORM 5001 REV 8-79; EDITION OF 8-79 IS OBSOLETE

STATE LISTING WORKSHEET

Senator SPECTER. The next witness will be Commissioner Lee Brown, commissioner of public safety of Atlanta.

Mr. Brown, we welcome you to this hearing. Thank you for coming from Atlanta in the midst of your other very complicated duties to provide testimony to this subcommittee. Will you start by stating your full name and position for the record, please?

### TESTIMONY OF LEE BROWN, COMMISSIONER OF PUBLIC SAFETY FOR THE CITY OF ATLANTA

Mr. BROWN. Mr name is Lee P. Brown. I am the public safety commissioner for the city of Atlanta, Ga.

Senator SPECTER. We have your prepared statement, Commissioner Brown, which will as a matter of committee practice be made part of the record following your oral presentation.

My request to you at this time would be to summarize the highlights and reserve as much time as possible for questioning.

Mr. BROWN. Yes, sir.

Mr. Chairman, it is a pleasure for me to have the opportunity to appear before you today. Let me just indicate that the remarks which I will present to you, which are contained in my prepared statement, are based upon some 25 years of my involvement, either directly or indirectly, in the issue of crime and juvenile justice as a police officer, including being a juvenile officer as well as an administrator in my current position as commissioner of public safety for the city of Atlanta.

I do know my coming here is at a very difficult time in the history of our city, and my coming out of the city is based upon my belief that issues being deliberated here today are very, very important not only for us at the local level in Atlanta but also for the entire Nation.

I feel that indeed there are some lessons we have learned out of the tragedy in Atlanta applicable to the entire Nation, and the Atlanta story also includes the assistance we received from the Office of Juvenile Justice and Delinquency Prevention.

Without going into detail about the nature of violent crime in this country—I think that information is readily available—it is important at least to point out that I had the opportunity of watching television on Monday night and watched the coverage on the assassination attempt on our President. It was interesting that the news reporter made the statement that America the beautiful is also America the violent. I think that is the essence of the reasons we should be concerned about the program for controlling violence in this country.

Indeed, it is ironic that at a time when we need more services dealing with our young people there are tendencies to cut back on those services.

I suspect the issue of where we are in this country right now in reference to violent crime can probably be summed up best by a statement which was made in the March 23rd edition of Time I quote:

There is something new about the way Americans are killing, robbing, raping, and assaulting one another, that violence is rampant in areas other than the inner city, that the crimes are becoming more brutal, more irrational, more random, therefore all the more frightening.

My summary of the situation is that at a time when violent crime, especially crime involving juveniles, is on the increase, at a time when violence in the schools is increasing, at a time when we know that the chronic offender accounts for a substantial amount of the Nation's crime problem, at a time when the cost of juvenile violent crime runs into the billions of dollars, at a time when the trend is toward increasing juvenile crime rather than a decrease, at a time when the public is greatly concerned about violent crime, we see the President's revised fiscal year 1982 budget includes no funding for the important and relevant juvenile justice and juvenile delinquency program. It is this issue which is of great concern to me, and, if I might take the liberty, I think for most of my colleagues throughout the Nation.

Let me for a moment localize my concern. We are all aware of the difficulties we are experiencing in Atlanta. There are now 23 cases involving unsolved missing and murdered children, 21 being homicide victims.

As a matter of background, to make the point I would like to leave with you today, Mr Chairman, our problem began in July of 1979 when we found the bodies of two youths in southwest Atlanta. Since that time we now have 23 unsolved cases involving young children. Of that number, 21 are homicide victims and two are still missing.

There are certain similarities in the cases. All are black and all are young, between the ages of 7 and 16. All come from relatively low-income areas and all except two are males. That is about where we find the similarity stops.

They have been killed by different methods—gunshot wounds, knives, stabs, blunt instruments to the head, suffocation, and asphyxiation.

Our investigation involves Federal, State, and local agencies, probably the most comprehensive and intensive investigation ever conducted in our State. We have an unprecedented involvement of the FBI. However, in addition to the investigations, other problems have emerged and surfaced as a result of the tragedy we are experiencing.

As a result, we have initiated intensive prevention programs and we have had to initiate programs to concern ourselves with the mental health of our children who began to suffer problems of stress and anxiety because of the prolonged tragedy. The nature and the seriousness of our problem was such that we requested Federal assistance.

Of importance to the hearing today is the fact that the Office of Juvenile Justice and Delinquency Prevention was able to respond with dispatch. They were not only able, within a couple days, to provide us with technical assistance after the request but also within a very short period of time made a grant award of approximately \$1 million to assist us in addressing our prevention and mental health needs.

I will submit to you, Mr Chairman, this is a clear example of the need for such a program and how it has benefited a city at the local level coping with the problem involved with our youth. The problems which have emerged as a result of our concentrated effort

in Atlanta on the missing and murdered children raise many other issues which have to be addressed.

In looking at what the Federal role should be in the area of juvenile justice the problem is quite clear. There are those who say that crime and delinquency is certainly a local problem. I would agree.

I think the nature of the problem and its pervasiveness is such that, just as there are Federal concerns with health, transportation, welfare, et cetera, there has to be a Federal concern about the problems of crime, particularly violent crime and juvenile involvement in violent crime. I will submit that the role should be that of research and development, one whereby we can answer some vital questions which would allow us the opportunity to effectively control the problem of crime, and particularly violent crime amongst juveniles.

I would submit that because of the nature of the problem, because local agencies for many reasons will not be able to develop that body of knowledge which is necessary to determine what works, what the problems are, what are the causative factors in juvenile behavior which lead to criminal activities, that the Federal Government has a distinct role to play. We look to the Federal Government for leadership in this area, and it is for that reason that it would be a drastic mistake for the program not to exist.

In closing, let me say that as a practitioner I completely support the Federal involvement in the juvenile justice program. I think the program should not be one which is given to another Department, HHS, as proposed, but it should remain an entity of the Justice Department. To do otherwise I think we would end up with the program being lost.

I do not believe it should be a block program but a categorical grant program designed specifically to assist local governments in terms of dealing with the very pervasive problem of violent crime, and particularly violent crime involving juveniles.

With that, let me conclude by saying it is my position that the Federal Government should take a proactive role in the area of research and development in the problem of juvenile crime. I take this position, as I indicated previously, because it is a pervasive national problem, and a national program is needed to deal with this problem.

I will be delighted to respond to any questions you might have  
Senator SPECTER. Thank you, Commissioner Brown.

You have noted that the Office of Juvenile Justice and Delinquency Prevention did make a grant of almost \$1 million to the city of Atlanta on your current problem.

Do you think that the Office of Juvenile Justice, if this program is to be continued, should devote more of its resources to juveniles who are victims of crimes as well as focusing attention on juveniles who may run afoul of the law?

Mr. BROWN. I think there is a correlation between the two. We find that, just as juveniles are the victims, they are also the ones who perpetrate the crimes on other juveniles.

It seems to me there are some serious questions which must be answered. As it exists now, we have fragmented information as to what we need to know—what the causative factors of juvenile



behavior are, how do the social-economic problems we have in our community impact on people becoming involved in crime, such as unemployment, such as racism, such as discrimination.

To the extent that those are factors, they must be addressed, and we would see the development of a program of research and development, particularly the research component, leading to the way in which the funds should be expended in terms of development of the state of the art.

In specific answer to your question, I think there is necessity to address the victims as well as those caught up in the web of conflict with the law.

Senator SPECTER. When you say that juvenile victims may then become perpetrators, one area which has come to the attention of law enforcement officials has been those who are victims of child abuse and then finding some correlation between those victims who then commit juvenile offenses.

Have you found such a factual situation to exist based on your experience in the field?

Mr. BROWN. It was not my intention to make the connection between a victim thus becoming a delinquent. The point I wanted to make was that to a large extent the young people are committing violent crimes against other young people, as evidenced by the research done in the schools, that one is likely to become a victim of violent crime in the schools and the perpetrator is likely to be another young person.

We have seen, using our experience in Atlanta as an example, by virtue of a concerted effort of all situations involving young people—and this has significance to the entire Nation, I think—we have seen a great increase in the number of cases which are made against child molesters. The number of child molester arrests has increased significantly as a result of our concerted effort on children in our city.

We have seen many other factors that occurred which certainly have implications for preventive activities. We have seen—and here I have talked with my colleagues throughout the Nation and it is not a problem in just Atlanta but it transcends Atlanta—we have to concern ourselves with what is happening to children in our society. This is in the interest of prevention. Abuse, misuse, and neglect are serious problems which have to be addressed in order to ensure that we are able to cut down on the problem of crime.

Senator SPECTER. How effectively in your judgment is this Nation addressing the problem of juvenile victims of crime?

Mr. BROWN. I don't believe from the perspective where I sit that the Nation is being very effective at all in addressing the problem. I do not think we fully understand even the extent and the nature of the problem let alone attempting to address it.

Senator SPECTER. Are there realistically facilities available in the city of Atlanta to address the problem of juvenile victims aside from the current unique situation which faces your city?

Mr. BROWN. No, sir. That was one of the reasons we were very delighted to see the Office of Juvenile Justice and Delinquency Prevention respond rapidly to our request for assistance. Services

and programs were not in existence. I suspect that would be applicable to any other major city in this country.

Senator SPECTER. If the Atlanta tragedy had occurred three years hence when the Office of Juvenile Justice and Delinquency Prevention was not in existence, where would you have gone for those funds?

Mr. BROWN. Our request would still have been to the Federal Government. I would suspect that the rapid and positive response might not have been there without the program as it exists today.

Senator SPECTER. Why do you say that?

Mr. BROWN. I think there is a concern in reference to the Office about dealing with the problem of delinquency and the victims of delinquency as well. That is one of the reasons that I take the position that there is a necessity to have a single focus of the agency concerning itself with this particular problem. Otherwise, it would be my belief that if the concern were mixed up, if you would, with many other competing concerns, then that would not be in the best interest of serving the people we are talking about here today.

Senator SPECTER. Therefore, whatever the result would have been absent the existence of this office, you are in a position to state positively that the presence of this Office of Juvenile Justice and Delinquency Prevention was a ready source for the direction of your needs and prompt response of the Federal Government to fund you to the tune of \$1 million?

Mr. BROWN. That is absolutely correct. It would be our position that it would set a model of how the Federal Government can respond in terms of severe problems at the local level, in terms of its promptness and the substantive action which was taken by the Office.

Senator SPECTER. What services were you able to provide with this \$1 million in Federal funding?

Mr. BROWN. We looked at the problem in the context of the need for services. There was a number of programs we were able to develop as a result of the grant, such as after-school care. That takes into consideration that our problem involved children. There is a void during certain hours. We were able to fill that void as a result of the funding from this office. We were concerned about the whole issue of advocacy for juveniles to become a part of crime prevention efforts and many other efforts, and the program was able to meet that need.

We were concerned about the ability for those who are delivering services to juveniles to be able to understand and effectively provide those services. The capacity-building component addressed that problem.

We know there are children in our city, and I suspect many other cities, who have difficulties within the family but have no place to turn as a result of those difficulties. The program addressed that through a hotline followed up by counseling services and followed up with residential short-term care. Those problems were identified as a result of our problem in Atlanta. The Office of Juvenile Justice and Delinquency Prevention through their grant allowed us to fill that void which existed.

[The prepared statement of Lee P. Brown follows:]



## PREPARED STATEMENT OF LEE P. BROWN

## INTRODUCTION

Mr Chairman and members of the committee, I appreciate the opportunity to appear before you today. The remarks I am going to make will be based upon over 25 years of either direct or indirect involvement with the system for administering justice as a student, city police officer (including juvenile officer), university professor, researcher, sheriff, criminal justice administrator, and in my present capacity as Commissioner of Public Safety for the city of Atlanta.

My appearing here comes at a difficult time in the history of our city and the decision to come was made after careful deliberation. I believe that the tragedy we are experiencing in Atlanta transcends Atlanta and thereby has significance for the entire nation. I feel the story in Atlanta must be told in context of a nation's response to its children and a nation's response to violence. I also feel that Atlanta's story includes the Office of Juvenile Justice and Delinquency Prevention responsiveness with both financial and technical assistance to provide aid in the cases of our missing and murdered children. For those reasons, I appear before you today.

*Violence in America*

Monday night I was watching television coverage of the attempted assassination of our President. The reporter concluded his commentary by saying, "America the beautiful is also America the violent."

The nature of violence in America and the extent to which young people are involved in that violence clearly points out the need for a major program at the federal level to provide both research and direct assistance in this problem area. Unfortunately, time for preparation did not allow me the opportunity to capture all of the background information that is available to support my position. The problem is, however, so immense and pervasive that readily available data is sufficient to demonstrably make my case. Consider, if you would, the following facts.

In 1979, the latest year for which we have statistics, juveniles under the age of 18 accounted for 20 percent of all arrests for violent crime. Specifically, 31.5 percent of all arrests for robbery involved juveniles, 15.9 percent of all arrests for rape involved juveniles, 15.5 percent of all arrests for aggravated assault involved juveniles, and 9.3 percent of all arrests for murder involved persons under the age of 18.

In 1979, juveniles represented 49 percent of all arrests for arson and 43.5 percent of all arrests for property crime.

Taken together, it is quite clear that there is a serious problem in this country of violent crime and youth involvement. The data I have just presented clearly tells us that in 1979 almost one-fourth of all arrests for violent crimes in the nation involved persons under the age of 18. This fact is particularly alarming when considered in light of the fact that persons between the ages of 10 and 17 represent only 13.8 percent of the population of the nation.

Not only is the problem of juvenile involvement in crime significant at the present time, it has great significance for the future. This is true because a substantial amount of adult crime is committed by those who were involved in crime as juveniles. It seems clear to me that if we as a nation are sincerely concerned about both the immediate and long-range problem of crime in this country, we must at this time establish priorities. The first priority, I submit, must be the prevention of juvenile delinquency.

Just as youth are disproportionately represented in arrest rates, research has shown them to more likely be the victims of youthful offenders. Similarly, a National Institute of Education Survey of the 1976-1977 academic year determined that the risk of violence to teenagers is greater in school than anywhere else. It was found that 68 percent of the robberies and 50 percent of the assaults committed against those 12 to 15 years of age occurred most frequently at school. In fact, the study concluded that an estimated 282,000 youngsters are attacked in a school in a typical month.

Over the past few years, I have served on the Advisory Committee for the National Juvenile Justice System Assessment Center. That center has now issued a series of reports with four volumes dealing with "A National Assessment of Serious Juvenile Crime and the Juvenile Justice System." In addition to reporting that the typical violent juvenile offender is likely to be 17 years of age and a white male, the center also reported that serious juvenile crime is an expensive proposition, costing over \$10 billion in 1975 in 1977 dollars. That represents 29 percent of the total costs of serious crime.

The center also pointed out that the trend is for an increase in violent crime involving juveniles.

The public is concerned about violent crime. This is evident by recent polls, surveys, and national articles. This is evident by recent creation of a Violent Crime Task Force. This is evident by newspaper and television coverage of the problem. Most important, this is evident by just talking to the people. Probably the best summary of why the public is rightfully concerned can be summed up by the conclusion reached in the March 23, 1981 issue of Time: "there is something new about the way that Americans are killing, robbing, raping, and assaulting one another," that violent crime is "rampant" in areas other than the inner-city, and that "the crimes are becoming more brutal, more irrational, more random—and therefore all the more frightening."

At a time when the violent crime and especially violent crime involving juveniles is on the increase.

At a time when violence in the school is increasing.

At a time when we know that the chronic offender accounts for a substantial amount of the nation's crime problem.

At a time when the cost of juvenile violent crime runs into the billions of dollars.

At a time when the trend is toward increasing juvenile crime.

At a time when the public is greatly concerned about violent crime.

We see that the President's revised fiscal year 1982 Budget includes no funding for the important and relevant Juvenile Justice and Delinquency Prevention Act Program.

And it is this issue that is of great concern to me and, I might take the liberty, many of my colleagues throughout the nation.

Let me for a moment, localize my concern and point out how the Office of Juvenile Justice and Delinquency Prevention (OJJDP) was able to help us in Atlanta. And I am sure you all know, we are experiencing a problem in the Atlanta Metropolitan area whereby we have 23 unsolved cases involving missing and murdered children.

As a matter of background, Atlanta's problem started in July, 1979, when we found the bodies of two youths in Southwest Atlanta. Since that time, we now have 23 unsolved cases involving young children. Of that number, 21 are homicide victims and 2 children are still missing.

There are certain similarities in all 23 of the cases—all are Black, all between the ages of 7 and 16, all come from relatively low income areas, and all, except two, are males. That's about where the similarities stop. The method of killings has differed. There have been killings by gun shot wounds, stabbing, blunt instrument to the head, asphyxiation, and suffocation. In six cases, we do not know the causes of death because the bodies were found in advanced states of decomposition.

Since 12 of the cases are outside the legal jurisdiction of the city of Atlanta, we have created a Special Task Force to investigate these crimes. That Task Force is composed of State, county, and city law enforcement agencies.

We also have a much appreciated involvement by the Federal Bureau of Investigation.

In addition to the most intensive investigation ever undertaken in the state of Georgia, we have also addressed two other areas: (1) prevention because we certainly do not want any other child to become a victim, and (2) mental health concerns for our children, many who are experiencing emotional problems because of this prolonged tragedy.

The nature and seriousness of our problem is of such a nature that we asked for federal assistance. Of interest to this hearing is the fact the Office of Juvenile Justice and Delinquency Prevention was able to respond with dispatch. OJJDP not only provided us with technical assistance within a few days after the request but a grant reward a few days after that. The grant award of almost \$1 million allowed us to address our prevention and mental health programs. This, I submit, is a clear example of how the OJJDP has benefited a city coping with a serious situation involving youth. Not to have such a program would not be in the best interest of the nation.

But beyond Atlanta, there is a broader need for maintaining a substantial federal involvement in juvenile justice matters.

Even though crime is basically a local problem, the nature and extent of the problem is such that it demands a federal role. The question, as I see it, is not whether there should be a federal role, but what should that role be. I believe the federal role should be that of research and development.

Why should the federal government be involved in research and development? The federal government should be involved in juvenile justice research and development because those local units of government responsible for operating the criminal justice agencies are preoccupied with doing just that—operating their agencies. Managing the justice system is generally reactive management. It involves dealing

with the day-to-day problems of crime with very little time left for reflection and little, if any, time for empirical research.

If we take my situation as an example, although I have an appreciation for the value of research and have indeed worked in a research institute, my responsibility as a manager consumes all of my time. As much as I would like to engage in meaningful research, my responsibilities dictate that the day-to-day problems of agency operation receive top priority.

Second, most local jurisdictions are currently confronted with severe fiscal problems. As a result, devoting funds to anything other than the provision of basic services is a luxury that cannot be afforded. If it was left to local jurisdictions to undertake research in the area of juvenile justice and crime, I can assure you that precious little would be done. In those places throughout the nation where justice agencies have been involved in undertaking research, the cost of that research has been underwritten by grants from federal and or private foundations, not from the budgets of local government. Since research, by its very nature, is long-range and therefore will not provide immediate solutions to problems, it is not conceivable that local decision makers will allocate funds for that purpose.

A third reason why the federal government should be involved in research and development centers around the skills needed to do research. Competent researchers have to be properly trained in research design and methodology.

There is a research community, but it is not in local government. Rather, researchers are generally located in universities or research institutes or centers. Therefore, if we can accept the position that research has a role to play in our efforts to deal with the serious juvenile crime problem, and I do accept that position, then the federal government has a responsibility to make funds available to the research community to enable them to address the problems of violent juvenile crime and justice system.

Fourth, the federal government, in my estimation, has responsibility to guide national policy. Furthermore, there should be an empirical base upon which policy is set. Research provides that empirical base. In specific respect to crime and juvenile justice, policy direction should flow from empirical research.

Fifth, research should result in the accumulation of knowledge about crime and justice. This can best be accomplished at the federal level. To date, we have fragmented pieces of information, we have fragmented pieces of data, but we do not have a cumulative knowledge base about the problems of violent crime or the juvenile justice system. If the federal government assumed responsibility for violent crime and juvenile justice research, its major objective should be to develop a knowledge base upon which decisions could be made.

Its major responsibility should be to resolve the problem currently existing, because there is not an accumulation of research findings and knowledge base about the issues of violent crime and delinquency.

In essence, its major objective should be to undertake research that would provide hard evidence on what are the answers to the problems, let that evidence accumulate and thereby be used by practitioners to effect policy.

Sixth, if research findings are to be useful, there must be dissemination to the users. The function of dissemination obviously can best be fulfilled at the federal level.

In summary from the perspective of a practitioner, I strongly believe the federal government has a definite role to play in the area of research and development in the area of juvenile crime. At the local level, we look to the federal government for guidance in this area.

I would like to conclude my remarks by addressing which areas of research should be given highest priority. Let me preface my response to this issue by saying that the role of the federal government in crime and justice research should be directed toward the development of an organized body of knowledge.

The purpose of that knowledge should be to assist planners, practitioners, and administrators in developing programs and in making decisions designed to manage the crime problem. In carrying out that role, the federal agency responsible for crime and criminal justice research should, first of all, develop a research agenda.

That agenda should not be developed in isolation from the potential users of the research findings. Rather, criminal justice planners and practitioners should be involved in the development of that agenda and the agenda should set forth research priorities.

From my position, the highest priority should be given to research to tell us more about the phenomena of crime and delinquency.

Presently, we do not know enough about crime and delinquency. Although much research has been undertaken on the subject, the finding only suggests that the problem is complex, multifaceted, and not well understood.

We have a number of fuzzy theories that do not translate into policy. Much of what we do know is contradictory. To me it is quite clear. If violent crime is to be curbed in this country, knowledge about its causes must be developed. Such a knowledge base could then serve as a foundation for practitioners to develop strategies for crime control.

Let me elaborate on this point for a moment, in order to illustrate how the absence of unequivocal conclusions resulting from research about the crime problem hampers our efforts to control crime, and at the same time stress the point that the shortage of precise and amply documented etiological conclusions about crime is a major problem.

From our fragmented research efforts, we know or we believe a number of things.

1. We know that there is a lot of violent crime committed in this country, much which goes unreported.
2. We know that young people are most frequently arrested for criminal offenses.
3. We know that Blacks are disproportionately arrested (the same is applicable to other minorities).
4. We know that those arrested have certain characteristics, e.g., they are poor, they are unemployed, unskilled, or undereducated.
5. We know that those areas of the city that have the highest crime rates also have the highest rates of unemployment.
6. We know that Blacks are more likely to be the victims of property, as well as violent crime.
7. We know that in a majority of cases where violent crime is committed, the perpetrator had been drinking alcohol previous to committing the act.
8. We know a large amount of larcenies are committed by those addicted to drugs.
9. Some believe TV violence has an impact on the aggressive behavior of young people.
10. Some people feel overcrowdedness influences behavior.
11. Some believe inadequate education adds to the crime problem.

My point is there are some things we know about crime, there are some things we believe about crime. Yet, the fragmentation of our knowledge and the absence of cumulative research and the absence of an empirical base to support that which we believe about crime seriously hampers our ability to effectively deal with the crime problem.

Thus, in the first research priority, that is developing a knowledge base about crime, there are many research questions to be answered.

1. What are the causative factors of delinquent behavior?
2. What causes violent behavior?
3. Does, in fact, TV violence impact upon violent behavior?
4. Does, in fact, alcohol contribute to violent crime?
5. Is there a cause and effect relationship between socioeconomic problems and crime? (For example, being unemployed, poor housing, inferior education, overcrowdedness, inadequate health services, racism, discrimination, etc.)
6. What are the factors that lead to the situation where minority groups are disproportionately represented in our crime statistics as both victims and perpetrators?
7. What are the implications of the redistribution of age groups in the population on crime?

The second research priority should focus on crime prevention. Here, we need valid information on what are the best ways to prevent crime. We need to know (1) what role can or should the community play in the area of crime and delinquency prevention, and (2) what role can private agencies, local, state, and federal agencies play in the area of crime prevention.

Our knowledge in this area is very limited. To me a well thought-out crime program should place high priority on crime and delinquency prevention. This we have not done to date. Rather, we have placed our efforts and resources after the fact, after the crimes have been committed, and mainly by relying on the criminal justice system as a means of dealing with the problem.

I believe this is the case primarily because we know so little about what causes crime.

I should point out the fact that prevention assumes some understanding about causes. It assumes that we know something about the factors that cause crime, and in the interest of prevention, steps can be taken to change these factors that we know are causative.

The third major research program area should be the juvenile justice delivery system. Here, research should be undertaken to provide us with information on the best way to deliver juvenile justice services, such as the police, courts, and corrections. I am personally concerned that although there have been efforts at reform in the juvenile justice system, we are still doing things in essentially the same way. This is because the majority of the reform attempted has been undertaken on subjective beliefs and not hard empirical evidence. There are a number of empirical questions that can be posed here:

1. What's the best and most effective way to structure and deliver police services to handle juvenile offenders?
2. How appropriate are the various treatment modalities used in the juvenile justice system?
3. How effective is institutionalization of juvenile offenders?
4. How effective is non institutional treatment such as probation and parole?
5. What impact does long-term sentencing have on rehabilitation?

In effect, we need to know what works and why it works. Rather than attempting to bring about reform in the juvenile justice system by piecemeal identification of problem areas, we need an empirical base from which we can approach the complex juvenile system through careful analysis and synthesis and thereby develop a model based upon what it should look like, how it should be restructured, and what it should do.

In conclusion, it's my position that the federal government should take a proactive role in the area of research and development on the problem of juvenile crime. I take this position because crime is a pervasive national problem and a national program is needed to deal with this problem.

The objective of such a program should be to develop a cumulative body of knowledge about the problems of juvenile crime and justice that can assist planners and decision makers in developing programs and strategies to address the problem.

The development of a knowledge base about juvenile crime and delinquency should have very positive results. Such research should be focused on program areas with first priority being given to the causes of juvenile violent crime, second, the prevention of juvenile violent crime, and third, the juvenile justice system.

In addition to research, there should also be financial assistance to local agencies. Funding, however, should be based upon research finding. The objective of the federal role should be to develop the state-of-the-art of controlling juvenile crime. Funds, therefore, should be made available for demonstration projects.

Finally, if the proposal to move OJJDP to Health and Human Services as part of a Block Grant Program is implemented, I believe juvenile delinquency programs will receive very little attention. The nature of the problem is such that it should remain an office of its own in the Department of Justice.

Senator SPECTER. At this time I would like to have Chief Jefferson, Washington Chief of Police, join Commissioner Brown and also Chief William Hart, Chief of Police of Detroit, to join the panel.

We will direct our attention now to the question of the role of juvenile crime in the overall problem of violent crime in this country as it relates to the incidence of violent crime by juveniles themselves and as it relates in sequence to the training of juvenile offenders, who then graduate and become adult offenders to provide a major part of the problem of violent crime in this country.

The subcommittee is very grateful to Chief Hart, who has come here today from Detroit, and to Chief Jefferson who has joined us here today to testify with Commissioner Brown on the focus of juvenile crime as part of the problem of violent crime in this country as it relates to the work of the Office of Juvenile Justice and Delinquency Prevention.

Chief Hart, may we welcome you here individually and ask you for any comments which you care to make before responding to questions, please.

**TESTIMONY OF WILLIAM HART, CHIEF OF POLICE, DETROIT,  
MICH.**

Mr. Hart. Thank you very much, sir. I appreciate the invitation and it is an honor to be here this morning along with my colleagues.

I do have a short statement which I put together after I found out what the questions were.

We are seeing a surge in violent crime all across the country. Some of the offenders are juveniles. Many of the older offenders are graduates of the juvenile justice system of the 1970's. We know something about their profile. We know a lot less about what can be done to curb, stop, or rehabilitate them.

Typically, they are between the ages of 14 and 25 years old, are unemployed, have dropped out of school, have loose family ties, and come from minority origins—many of them do. Many are the failures of the school systems, employment and training programs, the juvenile justice system, and the society of the 1970's. They are graduates of the drug culture of our urban centers. They are the teachers of the coming generation.

With the current economic slump, justice agencies along with all other governmental services are being pared back. In such a crunch, preventive efforts invariably lose out to the more immediate needs.

The administration's proposals to fold the JJDP program into a miniblock grant for Health and Human Services is bound to expose preventive efforts to these more immediate and seemingly urgent demands. Unless it is sheltered as a separate and distinct program, I fear that we will see the end of all significant efforts to cope with the juvenile delinquency problem and the crime problem of the sixties.

The Michigan Commission on Criminal Justice, on which I sit, supports the continuation of the juvenile justice and delinquency prevention program under the Justice Department for the very reasons I have given.

As chief of police of the city of Detroit, I am especially concerned with the Federal role in reducing crime. I have been recently invited by Attorney General William French Smith to serve on the violent crime task force. We will meet later this month to hammer out recommendations on the future direction which the Federal Government should take in crime control.

It is hard to be neutral after my experience of the past 13 years, when so much has been done to improve our justice system with the help of LEAA funding. The JJDP program has not had the opportunity to similarly prove itself. It should.

Thank you.

Senator SPECTER. Thank you very much, Chief Hart.  
Chief Jefferson?

**TESTIMONY OF BURTELL JEFFERSON, CHIEF OF POLICE,  
WASHINGTON, D.C., ACCOMPANIED BY SHIRLEY WILSON, DI-  
RECTOR, OFFICE OF CRIMINAL JUSTICE PLANS AND ANALY-  
SIS**

Mr. JEFFERSON. Thank you very much, Mr. Chairman.



With your permission, I would just like to introduce Ms. Shirley Wilson, the Director of our Office of Criminal Justice Plans and Analysis in the District of Columbia.

Senator SPECTER. Welcome, Ms. Wilson. It is nice to have you here.

Mr. JEFFERSON. Mr. Chairman, I would like to refer briefly to the statement I provided to your committee regarding the impact that the abolition of the OJJDP program might have on the District of Columbia.

Since 1976, when we entered the program, the District has relied heavily on Federal grants for the development and operation of innovative treatment programs for juvenile offenders. We have received over \$15 million in block grant funds and approximately \$2 million in discretionary funds. More than 2,000 youth have benefited directly by participating in various programs. However, that number would increase substantially if it included the indirect benefit derived from the numerous staff training initiatives developed and supported by OJJDP funds.

The moneys have been used to support programs ranging from deinstitutionalization of status offenders to the provision of comprehensive treatment services for the serious repeat offender. Additionally, these funds have been used to augment traditional services such as diagnosis and supervision of youth placed on probation by juvenile court and the operation of group homes for both detained and adjudicated youth.

The impact of OJJDP initiatives has been very far reaching. The legislation and attendant funds served as a stimulus for States to coordinate and improve their juvenile justice service delivery systems. The fear of many local juvenile specialists is that the elimination of Federal support, coupled with the financial constraints the District is currently facing, will manifest itself in massive reductions in services to juveniles involved in criminal activity.

This fear is highlighted by the current state of affairs in the District relative to crime and juvenile delinquency. The number of reported offenses increased 13 percent from 1979 to 1980; 15-year-olds constituted the highest proportion of juveniles arrested for serious crime in both 1978 and 1979. Arrest data are not yet available for calendar year 1980, but there is an indication that this trend will change.

Additionally, 40 percent of the total arrestees in 1979 for crime index offenses were aged 7 to 19. Alternative treatment programs of proven effectiveness will be totally abolished at the end of fiscal year 1982 unless Federal support is made available to finance them. This situation becomes even more grave when one considers the recommendations for concomitant cuts in human services programs which are currently before the Congress.

In summation, the OJJDP program has supported meaningful and effective prevention and treatment programs in the District of Columbia. To reduce or eliminate it would create a further strain on the limited resources of the District government and exacerbate the multifaceted problems which currently characterize the troubled youth of our city.

Senator SPECTER. Chief Jefferson, when Attorney General-designate Smith appeared here for his confirmation hearings—and the

room was substantially more filled on this side of the table—the Senators in attendance enumerated one by one their own experience with crime in the District of Columbia. It need not be categorized in inflammatory terms to state an enormously serious problem in the statistics you have given—about 40 percent attributable to the juvenile facet, and the increase, as you enumerated, of some 13 percent from 1979 to 1980 paints a picture of a bad crime problem in Washington, D.C., contributed to in enormous measure by juvenile crime.

You have testified in some detail about the Federal assistance, with \$1.5 million from one category and \$2 million from discretionary funds.

My question to you is this: As bad as it is now, absent this program, how much worse will it be?

Mr. JEFFERSON. I hate to think Congress would not take into consideration the testimony which is being presented here today in looking at the total budget reductions because the picture that I paint for the District of Columbia I feel is something that is nationwide in scope. It is not just here in the District of Columbia or Atlanta or Detroit.

I feel to drastically reduce the support local law enforcement has received from the Federal Government would be a total mistake.

I think when you expect one single agency to bear the responsibility of regulating human behavior that this is something which cannot be done. It takes a total effort from both the local level and added support from the Federal Government. This is something which should receive very serious consideration.

Senator SPECTER. Chief Jefferson, while it is obviously difficult to quantify, would you say that the abolition of the Office of Juvenile Justice and Delinquency Prevention would have a serious impact on street crime by juveniles in your city?

Mr. JEFFERSON. Yes, I would, because there are two programs we have in effect now which are being funded by OJJDP funds, and together with the efforts that the local police are putting forth to stem the juvenile crime in this city plus the other agencies which are charged with providing services, we still are having some difficulty, as evidenced by the increase in juvenile crime.

Senator SPECTER. Commissioner Brown, would you agree with Chief Jefferson's testimony that the elimination of OJJDP would have a serious impact on the problem of street crime in your city?

Mr. BROWN. Yes; I would agree not only in my city but in any major city in this Nation where you have a substantial problem associated with crime.

It seems to me that—I am assuming the Nation is serious about dealing with crime—we should continue the Federal presence, continue the Federal assistance to those at the local level.

I think one of the efforts which must be continuously maintained is a priority. That priority is crime prevention. We must do more than we are currently doing to prevent crime rather than doing what we generally do, that is, reacting. If we look at where we put our money, a great deal goes into law enforcement and very little goes into prevention.

In the long run we know from empirical evidence that the chronic offender at the adult level is generally the one who was a

chronic offender at the juvenile level. If we do not do something in terms of prevention, I think it is illustrative of a lack of commitment to deal with crime, and the Federal presence is essential. Continuation of the Office of Juvenile Justice and Delinquency Prevention is imperative.

Senator SPECTER. Chief Hart, would you concur with your two colleagues on that issue?

Mr. HART. Yes, I would. As a matter of fact, my answer would sound like an echo. We all have the same experience.

As a matter of fact, in Detroit if the program is destroyed, it will destroy our alternative to crime prevention as a philosophy. We have to learn how to prevent some of the things that happen to us, as Mr. Brown just said, rather than reacting.

Crime is a young person's game, whether a juvenile or young adult. Sixty-five percent of the crimes committed by juveniles are persons who have graduated from the juvenile justice into adulthood. We develop some alternatives through moneys received through the Office of Juvenile Justice.

Senator SPECTER. Those who have been in the criminal law enforcement system have observed a pattern of conduct where a pattern emerges with vandalism, truancy at 7 and 8, burglary of vacant buildings at 10 and 11, larceny and robbery at 15, and then robbery-murder at 17 or 18 where the juvenile moves up the ladder to the most serious of all felony-murder situations.

Where would you go--starting with you, Commissioner Brown--to stop that cycle, if you had your druthers and were not facing the kinds of limited funding which is prevalent today?

Mr. BROWN. You pose an extremely complex question because the problem you address is very complex. Thus, there is no simple solution to the problem. I think we must address it at various levels. In this instance we are talking about the Federal level.

I think it is important we start looking at and determining with some degree of certainty what the positive factors of criminal behavior are. I think there are certain things we do know. If you take this city, or any city, if you take the areas in the city where you have the highest unemployment rate; where you have the poorest school system with the largest number of dropouts, for whatever reason; the poorest health care; lack of recreation facilities; alcoholism; drug problems, et cetera, the basic socioeconomic problems, you will also find the same areas of your city you also have the highest crime rates and the highest crime problem.

To me it does not take a criminologist to see some correlation among those factors. We can look at the people who end up in our system for the administration of justice, be it juvenile, jails, State or Federal. Look at the characterization of those persons. They are generally unemployed at the time of arrest or, if employed, earning far below the poverty level, unskilled, uneducated.

Again if we make a correlation between those factors, it is clear there must be some relationship between those socioeconomic factors and people getting into difficulty with the law.

What does that suggest? I take it we are serious about it. If the Nation is serious about crime, then there has to be a real commitment to alleviate those problems which many of us believe to be causative factors of criminal behavior.

I would suggest that the family has a very important role to play—the family as a unit in the context of meaningful employment for the father.

I would suggest that education has a very important role. In that context I would believe that the accumulation of literally millions of children each year leaving school, uneducated, unprepared, and unskilled, entering into a world where they never have had work experience, that constitutes a problem.

We have to address all of those issues. In the context of the Office of Juvenile Justice and the Federal presence, I believe the approach has to be twofold. One, we need to provide answers. You and your colleagues in the Congress need to know there is a direct correlation between socioeconomic problems which exist in this country. The oppression against certain individuals, whether it is economic, discriminatory, et cetera, ends up with serious problem along the way as far as crime is concerned.

To that extent, literally every entity of the Federal Government—be it transportation, health, and education, et cetera—has a very important role to play. Then there is the local level, things we can do with Federal assistance, and indeed Federal values, in terms of developing programs whereby prevention, as we have indicated previously, becomes a focal point, rather than doing what law enforcement, and indeed the Government, has done traditionally; that is, to react after the act has occurred. I would suggest we need a crime control plan for this country. We do not have one at this time.

There is no strategy to address crime in this country. We need to do that and have a clear understanding of all the dynamics it takes to successfully address the problem.

Senator SPECTER. Given the grave difficulties of addressing the myriad of problems which you have just eloquently articulated, do you believe it is possible to identify a juvenile offender somewhere in the cycle I identified a moment ago—say, when he is a burglar of a vacant house at 12—and bring any resources to bear on that individual to take him out of the crime cycle?

Mr. BROWN. I believe at that point, let me add a caveat because I am very leery about our ability to single out a person and say in x number of years he or she will become a hard criminal. I think the state of the art is such that there may well be cultural differences, and those making the decisions end up creating serious problems for the individual.

In terms of the question you pose, indeed, if we find individuals who are getting into difficulty at a young age, intervention to minimize their involvement in the juvenile justice system can take place. Hopefully, looking at that individual collectively, whatever the problem that exists can be taken care of and thereby prevent that person from continuing a life of difficulty with the law.

It could be done, but I add caution because of the oftentimes cultural differences which led certain people in decisionmaking positions to look at what is culturally different as being wrong and bad.

Senator SPECTER. Projecting that same individual, having skipped the line of robbery-murder to avoid a life sentence at the age of 17, and a juvenile offender has graduated to become an adult offender

who is 24 and has a long series of felony convictions, do you believe that rehabilitation is realistic if we devoted resources to take that individual out of the crime cycle, say somewhere between the age of 24 and 34?

Mr. BROWN. It would be my position that it is realistic. Historically, the problem is that it has not been attempted sincerely.

What I would suggest as an answer to the problem you pose is that we look at the individual individualistically and what are the problems that led him to where he is at this point in time.

If, for example, the person is in difficulty for a problem, then it seems to me the institution where we place him has a responsibility to assist him in solving the problem.

Senator SPECTER. I have one final question because I will have to recess to vote in a moment. We have an amendment on the floor. We have been in session now for 1 hour and 20 minutes and our reporter, who has been working hard, is entitled to a break, and perhaps others are, too. I have a final question for this panel.

If we were to address in some meaningful way the 12-year-old whom I identified and the 24-to-34-year-old with rehabilitation, and we find that notwithstanding realistic efforts that we have multiple offenders who will not break the crime cycle but continue to commit crimes of violence, would you say it is realistic to utilize what has been the multiple offender statute in many States when you have four enumerated felonies within a 5-year period to impose a life sentence and impose a very heavy burden of some change in status to warrant release from jail under those circumstances?

Mr. BROWN. It would seem to me that, first of all, we need to develop some contractual arrangement with the individual to determine what is necessary to deal with what got him into that situation to begin with.

If, for example, the institutions where we place him do not equip and provide the basic elements to make him a productive citizen, what is being proposed goes a step beyond what I would be able to support.

Senator SPECTER. It is too tough if you do not give him a chance at rehabilitation somewhere along the line. However, if we addressed ourselves in a meaningful way to that kind of rehabilitation with the juvenile in some meaningful programs or with the adult offenders, do you think society would be justified in effect throwing away the key if the offender goes into the multiple category?

Chief Jefferson, would you venture an opinion?

Mr. JEFFERSON. That alternative is a little harsh. I think more emphasis should be placed in dealing at this point in time with the juvenile recidivist. Recidivism among juveniles is on the increase.

What should be done is to gear programs to deal with those juvenile offenders who are able to be taken out of a system before they get too deeply involved. As to those we cannot adequately deal, we will have to look to institutionalization, incarceration, with adequate resources directed toward rehabilitative and vocational training, so hopefully they can at some point leave the juvenile system and come back into society with some meaningful skills so they can make a contribution.



Senator SPECTER. I think that Commissioner Brown, Chief Jefferson, as well as Chief Hart, are accurate in the overall approach that there is not a strategy against crime, not that there are not many efforts to devise such a strategy.

It may be that the American people, even at a time of economy, would be willing to pay for a criminal justice system which worked because of concern for personal security being as important on the streets as national security is on the international field.

If the system directed itself toward meaningful rehabilitation and failed there, we might well have to be prepared to take that final tough step in throwing away the key for those who did not respond given a system which gave some fair chance for response.

Mr. Hart, would you go that far?

Mr. HART. I find there is a hard core of recidivism. Usually children are under peer pressure and follow some strong leader. If he is a recidivist then they follow him. However, you have to add some alternatives to this through education of the police officers who deal with them on the street level everyday. We find we are your brother's keepers and we have to become social scientists in developing some alternatives.

A group of children which could have been a hard-core gang last year this year could be completely dissipated if we develop some programs and alternatives, work programs, recreational programs, and just plain love. You have to remember some of the children have parents but the parents don't care where they are and don't know where they are.

Senator SPECTER. Mr. Brown?

Mr. BROWN. I think it is important for us to understand that crime like many other issues in our society, is not evenly distributed. If you look at the characteristics of our jails and prisons, we find between 40 and 50 percent of those there are black.

The proposal you make, without taking care of the problems I have addressed, would make our institutions blacker.

Senator SPECTER. Thank you very much, gentlemen.

Mr. Brown, I thank you for coming from Atlanta, Chief Hart from Detroit, and Chief Jefferson.

We will take a 10-minute recess. We will reconvene in 10 minutes.

[Recess taken.]

Senator SPECTER. We will reconvene the hearing, ladies and gentlemen.

Welcome, Judge Paul Dandridge from the Court of Common Pleas of Philadelphia County, a longstanding colleague of mine both in the district attorney's office and in many other ventures in the city of Philadelphia and the State of Pennsylvania; Judge Eugene Moore, president of the National Council of Juvenile and Family Court Judges; Albert Abbott of Erie County, N.Y., the National Association of Counties; and Mr. Lee Thomas, director, South Carolina Division of Public Safety Programs and the National Governors Association.

Judge Moore, in your capacity as president of the National Council of Juvenile and Family Court Judges, may we welcome you here and ask for your comments which I will request be made brief in order to leave time for questioning.



**TESTIMONY OF JUDGE EUGENE MOORE, PRESIDENT, NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES.**

Judge MOORE. Thank you, Senator Specter. The National Council thanks you and your subcommittee for being invited to testify here today on what we believe to be the Federal Government's vital responsibility to maintain within the Justice Department a small, highly focused, separate program addressed to the pervasive national problem of juveniles who commit serious crime.

Our judges and their colleagues in the largest cities, in the suburbs, as well as in rural areas, deal on a day-to-day basis, year to year, with the most serious delinquent offenders, their victims, and their families, as well as with abused and neglected children, with truants, runaways and status offenders. Along with the police, prosecutors, and lawyers in our courts everyday, we are actually aware of the increase in serious, wanton, violent crime on the streets of our communities, in our schools, and neighborhoods.

Judges all over the country are asking why is the only Federal program directly concerned with juvenile crimes slated for total 100 percent elimination while well-meaning social welfare and educational programs, fine as they may be but not directly related to crime, are being proposed for only 20 to 25 percent cutbacks.

Frankly, Senator, our judges are very concerned as are the prosecutors and police and citizens, and the court volunteers with whom we work who have benefited from this Department are equally concerned.

We are told that maybe, just maybe, there might be help available from some block grants that the Department of Health and Human Services will send down to State welfare departments. However, it is our experience that judges, sheriffs, police chiefs, district attorneys, public defenders, and those who deal within the criminal justice system for juveniles will not receive these funds.

This is a crime problem. It is dealt with locally by the professionals in the criminal and juvenile justice systems. As indicated by Commissioner Brown, in Atlanta recently where did their Federal help come from? It came from the Office of Juvenile Justice and Delinquency Prevention.

Where did the money go in Atlanta? It went through the police department to help the people who had the greatest need. It went through the police because the police knew, being part of the criminal justice system, what the need was.

If the Federal Government has a legitimate role in the fight against serious and violent juvenile crime—and we believe it does—that role should continue to reside within the Justice Department, and that is where we should look for Federal leadership and cooperation.

The National Council believes that the newly authorized JJDP Act provides the proper vehicle for such a role and program. The Congress in 1980 correctly identified the focus of the future attention of this office should be with "juveniles who commit serious crimes." The Federal effort should be reoriented toward providing training, hard research findings, and practical technical assistance and information on what works, providing this information to judges, police, prosecutors, and defenders.

Let me make clear the National Council is not among those who say, "OK, we're for Federal cuts, but don't cut our program." We recognize and agree with the overriding need in these times substantially to reduce spending in nondefense areas. We believe OJJDP is a proper subject for budget reduction. But, to eliminate the program would be like throwing out the baby with the bath water.

We maintain that the priorities of this program should be No. 1 in training and education, training in particular, in what areas are most beneficial to the criminal and juvenile justice system, particularly what works in rehabilitating and in preventing the violent juvenile offender.

We also believe in research, again as to what works and what is cost-effective. The public will not write a blank check for the criminal or juvenile justice system, and we must focus our attention on those programs which are working in the country, find out why they work, and disseminate that information nationally so that we can have a significant impact all over the country on violent juvenile crime.

Let me conclude, Senator, by saying again we do support substantial cuts within the Office of Juvenile Justice because of the economic times we all live in, but we strongly recommend the retention of that office to be a focal point within the Federal Government to focus on the attention of the needs of the juvenile justice system.

In our own States, oftentimes we find that juvenile justice is part of a large welfare department, a department which doles out money and spends money very well in many areas, such as ADC, et cetera, and if there are any funds left over, if there is any time left over for staff, then perhaps at the tail end they might worry about juvenile justice.

Today, when juvenile crime accounts for almost one-third of all the major offenses, we cannot afford to have this just part of some other Federal bureaucracy. We maintain it is imperative, regardless of the amount of spending, that at least the spending be in a separate identified department within the Department of Justice and that the Office of Juvenile Justice be continued.

Thank you.

Senator SPECTER. Thank you very much, Judge Moore.

[Material follows:]

#### PREPARED STATEMENT OF THE NATIONAL COUNCIL OF JUVENILE & FAMILY COURT JUDGES

Senator Specter, the National Council thanks you and the Subcommittee for being invited to testify here today on what we believe to be the federal government's vital responsibility to maintain in the Justice Department a small, highly focused, separate program addressed to the pervasive national problem of juveniles who commit serious crime.

I am Eugene Arthur Moore, a Judge in the Juvenile Division of the Probate Court of Oakland County, Pontiac, Michigan, and current President of the National Council.

The National Council, founded in 1937, represents over 2,000 juvenile and family court judges nationwide and our affiliate, the National Juvenile Court Services Association, several hundred Court Administrators. We maintain close liaison with police, prosecution and defense, court volunteer and other national groups concerned with juvenile delinquency.

Our Judges and their colleagues, in the largest cities, in the suburbs, as well as in rural areas, deal day-to-day, year-to-year, with the most serious delinquent offend-

ers, their victims and their families, as well as with abused and neglected children, with truants, runaways and status offenders. Along with the police, prosecutors and lawyers in our courts every day, we are acutely aware of the increase in serious, wanton, violent crime on the streets of our communities, in our schools, homes and neighborhoods.

The National Council is exclusively dedicated to improving the nation's juvenile justice system. We understand that an effective juvenile justice system must rely on highly skilled judges, lawyers, administrators, probation staffs, and law enforcement officers, and has directed an extensive effort toward improving juvenile and family courts and related agencies through training. Since 1969 the National Council and its training division, the National College of Juvenile Justice, has reached more than 35,000 juvenile justice professionals with an average of 40 training sessions a year—a record unparalleled by any judicial training organization.

Although many of the National Council's training programs are supported with state and local funds or private sector funds provided by more than 30 businesses and foundations, many of the National College's core training programs have been funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

At the College, our faculty judges serve without compensation, volunteering their preparation and class time. Our programs reach all states, but are centered on the University of Nevada, Reno campus, where a large foundation has built and donated to us and our sister institution (The National Judicial College which trains criminal and civil trial judges) a superb teaching facility as well as a residential facility with over 300 beds and food service, where we can house and feed judge, police, prosecutor, court volunteer and other participants for about \$20 per day.

Our training program is in severe jeopardy with the proposed elimination of OJJDP, yet the cost to the federal government has been running only about \$350,000 yearly.

Our research arm, the National Center for Juvenile Justice located in Pittsburgh, the major federally funded activity (costing the government about \$500,000 yearly) is the collection analysis, and dissemination of statistical information regarding juvenile crime and delinquency.

This program, now in jeopardy, was started by President Coolidge in 1927. The federal commitment to this activity has provided an unbroken series of juvenile crime reports for 55 years. But now we are told it must be scrapped, and frankly, we question the wisdom of this move.

Having passed through three executive departments and several agencies, this trend analysis of juvenile court activity stands as one of the most durable federally-sponsored statistical social indicators. Juvenile Court Statistics was published by the Department of Labor during each year of the Great Depression, it was produced, as a bi-annual report by the Federal Security Agency during World War II, and has been maintained, through good times and bad, ever since. Like the FBI's Uniform Crime Reports, which was established 3 years later in 1930, the series is a unique and invaluable policy tool.

In reflecting on the longevity of this the collection and dissemination of statistical information series, one must ask why the government's support, until now, has been so unflinching. Certainly, the project has survived the repeated cycles of change in public opinion regarding both the treatment of juvenile law violators and the role of the federal government in monitoring such activity. The series has long since outlived those who bear responsibility for its conception. It has not been an advocate of special interest, nor has it produced the potential for any particular political favor. In short, it has had no active constituency, save those who understand its inherent value as a tool for assessing this nation's efforts to control youth crime. The value of the series has been not only the detailing of which type of youths are responsible for which types of crimes, but the consistent measurement of delinquent activity over time. Policies and programs intended to impact the field of juvenile justice have been monitored by the series.

In recent years, the capability of an increasing number of courts to automate their data collection systems has provided much more detail concerning the processing of juveniles by the courts. Progress in dealing with the problems of youth crime can now be measured much more precisely. For example, Juvenile Court Statistics was the only means we had to accurately assess the dramatic rise in serious youth crime during the sixties and early seventies. The year-to-year trends showed that we were losing the battle of violence attributed to juveniles. That finding spurred considerable activity within the executive and legislative branches of state and federal government to combat the problem. Without such indicators, we—as a nation—would be blind to the impact of our efforts and to emerging problems which require our attention.

The mechanism which has been assembled to produce Juvenile Court Statistics involves the voluntary submission of information from individual courts and state agencies throughout the nation. In 1927, 43 courts contributed information to the national report. For the most recent year (1979), 2,650 or 78 percent of all such courts in the country contributed data to the system. This growing cooperation has resulted from the fact that since 1974 the data has been collected and reported by the National Council research division. A break in the series, however brief, would seriously undermine the structure of this voluntary cooperation.

If we believe that the future of our country rests with youth, and that the government has an ongoing responsibility to accurately aid in planning for that future, the Juvenile Court Statistics series is a necessary and economical investment in that process.

Having disposed of President Coolidge and professional training for judges and other justice system professionals, may I now turn to the particular program and legislation now before your Subcommittee.

The Juvenile Justice and Delinquency Prevention Act of 1974, as most recently amended and reauthorized for four years only last December. And may I commend your parent Committee for the thoughtful attention it has given to this unique anti-crime legislation, most recently last year.

So now, is all this fine work to be undone, not through repeal of this legislation, but through abolition of the program and of the federal agency, through "zeroing out" in the budget-appropriation process?

Our judges all over the country are asking, Why is the only federal program directly concerned with juvenile crime slated for total, 100 percent elimination, while well meaning social welfare and education programs, fine as they may be, but not directly related to crime, are only being proposed for 20 and 25 percent cut-backs?

Frankly, Senator Specter, members of the Subcommittee, our judges are mystified, and the prosecutors, police and citizen court volunteers and others we work with daily and who have benefited from this program—they too are mystified.

And as if to add insult to injury, now we are told that maybe, just maybe, there might be help available from some "block grant" that the Department of Health and Human Services will send down to state welfare departments. It is unlikely that judges, sheriffs, police chiefs, district attorneys or public defenders will receive funds from welfare departments.

This is a crime problem. It is dealt with locally by the professionals in the criminal and juvenile justice systems. When Atlanta asked for federal help last month it was the Justice Department that responded. And, where did the bulk of the money come from? From OJJDP, the very program this Administration now proposes to close down October 1. And, who did the money go to, to the Atlanta Welfare Department? No, it went where it should have gone, to the Atlanta Police, who currently bear the brunt of that horrible crime problem in that beleaguered City.

So Senator Specter, members of the Subcommittee, if the federal government has a legitimate support role in the fight against serious and violent juvenile crime, and our judges now here think it does, that role should continue to reside in the Justice Department, and that is where we would look to for federal leadership and cooperation.

The National Council believes the newly reauthorized JJDP Act provides the proper vehicle for such a role and program. The Congress in 1980 correctly identified the focus of attention in the 80's to be on juveniles who commit serious crimes. The federal effort should be reoriented towards providing training, hard research findings and practical technical assistance and information on what works to judges, police, prosecutors and defenders, juvenile corrections officers and other juvenile and criminal justice professionals, volunteers and neighborhood workers who deal day-to-day with juvenile delinquents.

Let me make clear that the National Council is not among those who say "Ok, but not the other fellow's program, not ours." We recognize and agree with the overriding need in these times substantially to reduce spending in non-defense areas. We believe that OJJDP is a proper subject for budget reduction. But, to eliminate this program as the Administration proposes would be like throwing the baby out with the bath water.

Now, all that being said, I refer to you that the National Council believes that the OJJDP program to date has not sufficiently focused on the problem of serious youth crime. We have a detailed report and analysis with recommendations on how we would like to see this program materially reoriented. We believe these to be accomplishable administrative and essentially within the purview of the existing legislation reauthorized in December, 1980. I commend this report which is

attached to this statement' to your thoughtful attention and, in closing, will outline our recommendations:

Subject to the availability of funding, OJJDP's role should be to provide.

1 *Training and Education for State and Local Juvenile Justice Professionals.*—This issue is listed as a top priority in the Purposes Clause of the Act, and was strongly mandated by the Congress. A training emphasis is consistent with balance of power considerations between the federal government and the several states. Juvenile justice is essentially a state function, it is operated and funded by the states. There is no indication of any Congressional disposition to federalize juvenile and family courts of the nation.

Much of the training that is necessary and appropriate is directly related to Congressional mandates and to decisions of the federal courts, particularly the Supreme Court. Due process guidelines which govern the conduct of local juvenile justice are of national concern, and are thus best funded and implemented on a national scale.

A major training initiative ought to be undertaken involving utilization of formula grants' (state and local) as well as Washington controlled funds.

2 *Realistic and Helpful Research.*—The search for what works and what doesn't work with what delinquents and their families is national in scope and the federal government can play a modest, but legitimate role in helping deal with juvenile delinquency. The research we envision is not theoretical, but should be experience-centered and demonstrate both accountability in result and cost efficiency.

If we are to avoid the pattern of redoubling efforts at past failures in the coming years, several basic common-sense principles should guide research activities of OJJDP.

Theories should be treated as theories—not as fact—and subjected to rigorous, well-designed, and controlled research. This very simple-minded principle should be adhered to whether the theory is advanced as a 'standard,' an idea, a belief or a "truth" that is unsupported by documentation.

Care should be exercised to distinguish between those policies that are being implemented for humanitarian and legal reasons as contrasted to those proposed to bring about a more efficient or effective outcome. A careful formulation of objectives to be achieved is essential to the measurement process.

Programs of research must be free to fail in finding the expected outcome. Research must have integrity; otherwise, it is a waste of money.

Considerable attention should be given to developing the capacity and environment for research. Resources must be devoted to convening practitioners and scholars to establish what issues should be researched and which measures are appropriate in evaluating effectiveness.

Given the above principles, the following recommendations are offered for specific research.

a. The highest priority should be given to building the capacity required to reliably measure the outcome of present practices.

b. Theory which forms the basis of policy also should receive high priority for measurement.

c. Pilot testing and evaluation of proposed standards prior to implementation also should receive high priority.

3 *Effective Technical Assistance and Information.*—The Office could be helpful in providing meaningful technical assistance and information. Substantial changes in attitude and procedure are required.

When "something works," the Office should know it. When people in another part of the country have a problem, they should be able to contact OJJDP, learn of a successful resource, and be able to contact a person or organization knowledgeable about a solution. In many cases, OJJDP does not need a consulting agency or "theorist."

Professional "Accreditation" or other self-help programs within the juvenile justice system should also receive support.

4 *Special Emphasis.*—With limited funds available, it makes no sense to award grants for projects around the country only to find out several years later that there is no reliable proof that they reduce delinquency in a cost-efficient way.

Special emphasis grants should be used to establish small, well-controlled and documented pilot efforts which have as their primary purpose the measurement of the cost-efficiency and effectiveness of program efforts. This research cannot be attached to an existing program at a later point in time, but must be conceived and incorporated into original program design. This is the only way that the federal government can exercise its proper leadership role based on fact, instead of mandate based opinion.



Substantial reduction can be accomplished from the current level. Special Emphasis" funding if, as we suggest this area is combined with Research.

5 "Formula Grants" - The formula grant program, which expends nearly two-thirds of monies as currently allocated, is overburdened in the following respects:

a States have been mandated to change laws and procedures without evidence that such changes help to prevent delinquency.

b A three-tiered bureaucracy stifles success. (OJJDP overlays the SPA, which overlays a local planning bureaucracy)

c Mandated changes impose enormous cost burdens on state and local governments. For example, in Ohio, it is estimated that the parallel service system contemplated by the status offender delinquency dichotomy would cost over \$12 million in 1981. Fortunately, Congress is aware of this problem as it relates to separation of juveniles and adults in jails, but OJJDP must be responsive to Congressional concern.

d As the number and availability of federal dollars shrinks, cost-effectiveness of the "formula program" dwindles further. As the program is more sharply focused and reoriented to meet the needs of the 80's the Administration and Congress must consider the excessive intrusion and coerciveness of the program as far as the states and localities are concerned.

Simplified regulations and reporting requirements and overhead reduction, if pursued vigorously, may ameliorate these problems. But, legislation may be desirable particularly to accomplish Congress' intent that limited available funds be directly applied to serious youth crime problems, rather than to the carrying out of federal "mandates."

Legislation may also be desirable to change the delivery system mechanism, but "block grants" as proposed are not an answer here, as funds would never reach these local and state court law enforcement and youth corrections agencies directly concerned with serious youth crime.

Our judges nationwide and the National Council thank you, Senator Specter, and members of the Subcommittee for your patience and attention and for the opportunity to be heard.

Attached "Bench Sense" Report

Senator SPECTER. Judge Dandridge?

#### TESTIMONY OF JUDGE PAUL DANDRIDGE

Judge DANDRIDGE. Senator Specter, I endorse pretty much the comments made by Judge Moore. I do differ in at least two ways.

No. 1, I do not think that the money provided to OJJDP for children is sufficient. I do not agree there should be a cutback of 25 percent. That is No. 1.

Two, I think that the thrust seems to be we are looking at only the serious offender. We are not looking at how he got there. I think that Commissioner Brown touched on that in response to some of your questions.

I have been sitting for the last 4 years with status offenders, with children who are either incorrigible truants, neglected, dependent, or abused. I have watched what is supposed to be a system for dealing with those children. There is none.

The money that goes through HHS which is supposed to address these 10 different categorical funds is not meeting at the bottom. Children and families have to follow the dollars for service. Therefore, we have nothing which relates to prevention.

I think that if we accept the fact that children are as precious to us as defense, we need to have a department that is expanded to deal with children and families.

One of the things I see that OJJDP can do which it has not been doing is to assess exactly where the Federal dollars are going which are supposed to be dealing with families and children, to find out whether they are on target, if there is a target, and, if not,



why, so we can redirect all of our money, so we are dealing in a wholistic way with children and families. That is the only way we will deal with prevention.

You raised a question before to the three police chiefs as to whether they would bite the bullet if a person, after having gone through x number of phases, was then still not rehabilitated. I am not sure there is an answer for that because we do not have the prisons to continue to put people in as we lock them up and convict them of crimes. We are not going to be able to build jails fast enough to jail them, whether juveniles or adults, so we have to go to the whole area of prevention and what we do with the dollars we spend.

I think we spend a lot of dollars. I don't think we are getting a bang for our dollar. I think this committee and the Senate needs to look at where all the Federal money is going and how it can be redirected to provide a service.

Thank you.

Senator SPECTER. Judge Dandridge, how would you direct dollars to prevention?

Judge DANDRIDGE. We now have the family here and the family having to move wherever the dollars flow, because we have developed categorical funding which addresses a special need which does not meet with other categorical funding. The money which goes to children and youth does not talk to the money that goes for welfare of family, the AFDC family, and mental health money does not speak to them. OET or CETA is on the side doing something else. The educational money we spend, none of it meets at the bottom so that we have a system for dealing with children.

We certainly need to develop an early warning system, going back to what you asked, so we can find at an early age children who are evidencing some factors which might lead them into being disruptive, delinquent, or whatever, so we start dealing with them there. We do not have that kind of system.

I would look at where our dollars are going—the 40 categories in HHS, money in CETA, money in AFDC—all these Federal dollars, and determine what it is that we can do to prevent children from becoming hard-core delinquents and adult criminals. We need to find out what we are doing right now, an assessment—whether you call it a need assessment of whatever—of where dollars are going. That has not been done.

Senator SPECTER. Do you think that there are danger signals discernible to tip us off to identify the juvenile at an early stage to take him out of the crime cycle, him or her?

Judge DANDRIDGE. If all of the programs which relate to dealing with families and children are unified so that we get a clear picture of the child with a family, I believe there will be indices which would enable us to deal with them at an early age, both the family and child, and prevent their going into the system.

Senator SPECTER. How would you do it? You say dollars from category 1 do not speak to dollars in category 2. Are you talking about some coordinating agency?

Judge DANDRIDGE. It has to be the Federal dollars are mandated to work with one another.

As I recall in looking at things with OJJDP, 4 or 5 years ago they were supposed to be the lead agency to work with then-Department of Labor money, the old Department of HHS, to coordinate the flow of those dollars for education. That never occurred. I think that is a start, to see exactly what it is that is not being done for families.

Certainly there is no relationship intergovernmentally at the local level or the State level. They are talking about it, but it has not been implemented. Unless they are pushed with the weight of the Federal dollars, money States cannot afford, we will not affect it.

Senator SPECTER. Thank you very much.

Mr. Abgott, you are here representing the National Association of Counties.

**TESTIMONY OF ALBERT ABGOTT, ERIE COUNTY, N.Y., NATIONAL ASSOCIATION OF COUNTIES. ACCOMPANIED BY HERB JONES, ASSISTANT DIRECTOR**

Mr. ABGOTT. Yes, Mr. Chairman.

Senator SPECTER. Would you give us some background, please?

Mr. ABGOTT. Certainly. I am legislator, former chairman of the legislature in Erie County. That is a county which has over 1 million people I have worked with youth programs. I have served on the Winter Olympic Committee for the United States. I have worked with delinquent youth in various capacities. I am in business. Politics, fortunately for me, has been a hobby.

Senator SPECTER. We welcome you here and look forward to your testimony.

Mr. ABGOTT. Mr. Chairman and members of the committee, I would like to introduce Herb Jones, assistant director of NACo and a lobbyist for NACo here.

Senator SPECTER. Welcome, Mr. Jones.

Mr. ABGOTT. I appear today on behalf of the National Association of Counties and its Criminal Justice and Public Safety Steering Committee to present our organization's views on continued funding for the Juvenile Justice and Delinquency Prevention Act.

The Office of Juvenile Justice and Delinquency Prevention is the sole survivor of what was a program of financial and technical assistance to State and local governments in the criminal justice and juvenile justice fields.

Last year Congress eliminated new funding for the Law Enforcement Assistance Administration. With the loss of LEAA funds, including maintenance of effort funds for juvenile justice programs, the major block grant programs in the criminal justice field expired.

This year the proposal is to eliminate funding for the JJDP and instead permit States to fund programs under a social services block grant within the Department of Health and Human Services. All activities under the act, not only the formula grant and special emphasis programs, but also training, technical assistance, research, and information dissemination would be eliminated under the administration's proposal.

The assumption of a Federal role in the field of juvenile delinquency, a role that the last six Presidents—Eisenhower, Kennedy,

Johnson, Nixon, Ford, and Carter—have vigorously enforced, would be gone. Twenty years of effort at the Federal level would be abolished.

If the program had been ineffective, we could not support its continuation. It is precisely the fact that it has worked that leads us to support its continuation.

Mr. Chairman, the National Association of Counties believes the Juvenile Justice and Delinquency Prevention Act is working. The act addresses problem areas head on, most successfully in its efforts but there have been problems. NACo has supported the act since its passage in 1974 and we continue to support it today.

A few words about the philosophy the Nation's counties follow regarding services to our youth. Our children are our responsibility, and we have been determined to serve their needs and interests as we find them. After all, services to our young people are basically and largely the responsibility of county governments.

Despite this acknowledgment, we must concede we simply cannot meet the complexities of these needs and their attendant services alone.

Herein is our problem. We need to establish an acute awareness of this reality and an appropriate partnership, both in terms of commitment and resources, especially financial, from our respective States with their broad taxing authority.

Individual failures or weaknesses in this "first line of service responsibility" collectively results in what we have been seeing labeled as a national or Federal problem. This is why NACo has actively supported and testified to the need of a Federal juvenile justice effort—not because a Federal system must replace and/or compensate or perform for the efforts of State and local governments, but to provide the necessary supports and appropriate priority status which the Congress could lend by its acknowledgment and assistance. It would lend the threat of continuity from community to community, State to State, county to county. It would lead toward an exchange of information and programs that work.

The Board of Directors of NACo at its last meeting clearly showed its support for the President by adopting a policy position in favor of balancing the Federal budget. However, we have reservations about the proposed folding of OJJDP in a social services block grant under the Department of Health and Human Services.

Specifically, NACo supports the maintenance of the Juvenile Justice Act in the Department of Justice. NACo can support the elimination of the \$34.9 million increase for OJJDP for fiscal year 1982 as proposed by the Carter administration in its January budget. However, we cannot support the elimination of the act. OJJDP is the only Federal response to the national problem of juvenile crime and delinquency.

We are not asking for more expenditures. Simply put, we are asking that OJJDP be left where it is. We urge you not to place a good program in a block grant in the Department of Health and Human Services, where it will get lost.

When LEAA was eliminated last year, approximately \$61.45 million was lost in maintenance-of-effort funds. Since fiscal year 1978, OJJDP has received \$100 million. Considering the loss of maintenance of effort funds, and the constant appropriation level for 4

years, which has been eroded by inflation, it can be said that OJJDP has done its part of balancing the budget and controlling inflation, certainly not stimulating it in the past 4 years.

NACo is making this effort because OJJDP has provided funding for innovative programs which our financially-strapped counties could not have afforded to experiment with. Now many of these programs have been picked up by county governments after having been shown to improve the overall efficiency of the juvenile justice system and reduce costs.

In my county six programs funded federally prior to this time are now being adopted by the county and other local agencies to continue them because they have been successful. I will be glad to talk about them later.

The rationale for abolishing OJJDP appears to rest on the assumption that it is another social service program, a categorical one, that is designed for services to youth in the juvenile justice system. That view is very accurate, but very narrow.

The act does provide funding for group homes, shelter care, crisis intervention, and other social programs. But, it also funds programs to train juvenile court judges, restitution programs, and juvenile justice system improvements. In short, it is a system's change block grant, with States accorded wide discretion in methods of funding programs that will remove status offenders from secure facilities, separate juveniles in adult correctional facilities, and remove juveniles from adult jails and lockups, all of which are sorely needed.

Senator SPECTER. If your organization were told the only way to achieve a balanced budget would be to cut this program, what would your response be?

Mr. ABGOTT. I would be in favor of not balancing the program against the cut in the budget. I think there are other areas which should be looked at in the view of what is effective and what is not effective.

If we were told there is no way to balance the budget other than to eliminate this program, I would have two ways to go. One would be to go back to our organizations and see how much of it they could pick up, and then cut every corner possible and come back and say we cannot balance the budget under these circumstances but we will have to increase funding.

Senator SPECTER. How many members does your organization have?

Mr. ABGOTT. Over 3,000 counties.

Senator SPECTER. 3,000 counties belong to the organization?

Mr. ABGOTT. Yes.

Senator SPECTER. How many counties are there in this country?

Mr. ABGOTT. 3,100 plus. I am not quite sure if that is the exact number. There are not too many that are not members.

Senator SPECTER. I think the committee would be very interested to know if you could conduct a referendum with your organization if your board or whoever makes the decisions agrees with your assessment, having articulated the position of favoring a balanced budget that you would defer that objective to discontinuation of this program.

Mr. ABGOTT. Mr. Chairman, it is not in my prepared statement, but I must say that the cornerstone of this Nation is the youth. If we are going to survive, if we are going to have a future, it is the young people who are coming up who need the funding to prevent what has been happening and to improve the status of this Nation.

Senator SPECTER. I understand your testimony. Having made the point as to the balanced budget—

Mr. ABGOTT. I agree.

Senator SPECTER [continuing]. It is one which has to be faced up to squarely.

Judge Moore, how many members of your organization are there?

Judge MOORE. About 3,000. It is the largest judicial organization in the United States. It represents juvenile court judges as well as family court judges.

Senator SPECTER. All juvenile and family court judges?

Judge MOORE. Yes. If I might, Senator, let me respond in part to what you asked my colleague. I think the issue is not only balancing the budget. I think the issue equally important is where the identity of the Federal Government will be and what importance it will give to the issue of solving juvenile crime.

While we disagree with my colleague from Philadelphia, I believe even with a cut in the amount of money spent in this area by the Federal Government that the Federal Government cannot afford to lose the commitment, as has been indicated here, of six previous Presidents, that we think the problem of juvenile crime and delinquency is so important we will not let it get lost in Human Services but be sure it has a separate identity within the Department of Justice.

Senator SPECTER. Judge Moore, you have not advocated the balanced budget so I will not put the question to you. For those who do, we have to bite all sorts of bombs more than bullets.

[Mr. Abgott's prepared statement follows:]

PREPARED STATEMENT OF ALBERT ABGOTT, LEGISLATOR, ERIE COUNTY, N.Y., AND  
MEMBER, NATIONAL ASSOCIATION OF COUNTIES<sup>1</sup>

Mr Chairman, members of the committee, I am Albert Abgott and I am a county legislator from Erie County, New York. I appear here today, and behalf of the National Association of Counties and its criminal justice and public safety steering committee to present our organization's views on continued funding for the Juvenile Justice and Delinquency Prevention Act.

The office of juvenile justice and delinquency prevention is the sole survivor of what was a program of financial and technical assistance to State and local governments in the criminal justice and juvenile justice fields. Last year, the Congress eliminated new funding for the Law Enforcement Assistance Administration (LEAA). With the loss of LEAA funds, including maintenance of effort funds for juvenile justice programs, the major block grant programs in the criminal justice field expired.

This year, the proposal is to eliminate funding for the JJDPA and, instead, permit States to fund programs under a social services block grant within the Department of Health and Human Services. All activities under the Act, not only the formula grant and special emphasis programs, but also training, technical assistance, research, and information dissemination would be eliminated under the Administra-

<sup>1</sup> The National Association of Counties is the only national organization representing county government in the United States. Through its membership, urban, suburban and rural counties join together to build effective, responsive county governments. The goals of the organization are to improve county government, to serve as the national spokesman for county governments, to act as liaison between the nation's counties and other levels of government, and to achieve public understanding of the role of counties in the Federal system.

tion's proposal. The assumption of a Federal role in the field of juvenile delinquency, a role that the last six Presidents, Eisenhower, Kennedy, Johnson, Nixon, Ford and Carter, have vigorously endorsed, would be gone. Twenty years of effort at the Federal level would be abolished. If the program had been ineffective, we could not support its continuation. It is precisely that it has worked that leads us to support its continuation.

Mr. Chairman, the National of Counties believes the Juvenile Justice and Delinquency Prevention Act is working, the Act addresses problem areas head on, mostly successfully, but there have been problems. NACo has supported the Act since its passage in 1974 and we continue to support it today.

Mr. Chairman, a few words about the philosophy the Nation's counties follow regarding services to our youth. Our children are our responsibility and we have been determined to serve their needs and interests as we find them. After all, services to our young people are basically and largely the responsibility of county governments.

Yet, despite this acknowledgement, we must concede that we simply cannot meet the complexities of these needs and their attendant services alone. Herein is our problem. We need to establish an acute awareness of this reality and an appropriate partnership, both in terms of commitment and resources, especially financial - from our respective states with their broad taxing authority.

Individual failures or weaknesses in this "first line of service responsibility" collectively results in what we have been seeing labeled as a National or Federal problem. This is why NACo has actively supported and testified to the need of a Federal juvenile justice effort. Not because a Federal system must replace and/or compensate or perform for the efforts of State and local governments, but to provide the necessary supports and appropriate priority status which the Congress could lend by its acknowledgment and assistance.

The goal of the policy is the forging of appropriate local State Federal partnerships which recognize the realities of the challenge to provide the much needed resources for the proper treatment and services to our young people. By and large, our youth don't leave us but temporarily when they run afoul of the law.

Our county services agencies, our county courts, our county probation departments and mental health departments are involved to the limit of our resources. If the problem results in a youth being incarcerated, invariably that young person will be returning to our and his or her community. Additional resources are crucially and critically needed to help in the undeniable and unavoidable task of assisting in redirecting those young people in constructive and self-enriching activities.

Simply put—and not cynically at all—these young people are the politically silent and sizeable population of our country and in reality, command lesser political priority status when distribution of resources are determined, and this happens in part because they can't cast a ballot at election.

Yet, the core truth of present reality is that this population of which we speak here today represents the literal and very future of our nation. Deliberately disregarding noble motives, pragmatic concerns alone should command ever conscious awareness that the future which so many people increasingly speak of in terms of uncertainty, hopelessness, fear and apprehension, it is the concern of all of us gathered today—both here and across this Nation. It all too often seems that we fail to sense the enormous value and import of our young people and what they truly and undeniably represent.

The board of directors of the National Association of Counties, at its last meeting, clearly showed its support for the President by adopting a policy position in favor of balancing the Federal budget. However, we have reservations about the proposed folding of OJJDP into a social services block grant under the Department of Health and Human Services. Specifically, NACo supports the maintenance of the Juvenile Justice Act in the Department of Justice. NACo can support the elimination of the \$49 million increase for OJJDP for fiscal year 1982 as proposed by the Carter administration in its January budget. But we cannot support the elimination of the Act. OJJDP is the only Federal response to the national problem of juvenile crime and delinquency. We are not asking for more expenditures. Simply put, we are asking that OJJDP be left where it is. We urge you not to place a good program in a block grant in the Department of Health and Human Services—where it will get lost.

When LEAA was eliminated last year, approximately \$66.45 million was lost in maintenance of effort funds. Since fiscal year 1978, OJJDP has received \$100 million. Considering the loss of maintenance of effort funds, and the constant appropriation level for four years, which has been eroded by inflation, it can be said that OJJDP has done its part of balancing the budget and controlling inflation—certainly not stimulating it in the past four years.



## WHY ABOLISH OJJDP?

The Office of Juvenile Justice and Delinquency Prevention, as was the Law Enforcement Assistance Administration, is about to be sacrificed on the altar of a balanced budget. If the proposals of the Reagan administration and the House and Senate Budget Committees are accepted by Congress, the agency will receive no new money beginning in fiscal 1982, and will be folded into a social services block grant program under the Department of Health and Human Services.

The National Association of Counties' position is that OJJDP provides necessary assistance to counties and should therefore be continued in its present structure, while taking its share of budget cuts.

Why is NACo making this effort? OJJDP has provided funding for innovative programs which our financially strapped counties could not have afforded to experiment with. Now many of these programs have been picked up by county governments after having been shown to improve the overall efficiency of the juvenile justice system and reduce costs.

The rationale for abolishing OJJDP appears to rest on the assumption that it is another social service program, a categorical one, that is designed for services to youth in the juvenile justice system. That view is accurate, but narrow. The act does provide funding for group homes, shelter care, crisis intervention and other social programs. But, it also funds programs to train juvenile court judges, restitution programs, and juvenile justice system improvements. In short, it is a system's-change block grant, with States accorded wide discretion in methods of funding programs that will remove status offenders from secure facilities, separate juveniles in adult correctional facilities and remove juveniles from adult jails and lockups. All of which are sorely needed.

Indeed, if the administration is serious about its efforts to avoid system overlap, duplication of effort and confusion, it should support keeping the office functional and put to full use the act's provisions for coordinating the Federal effort with respect to juvenile justice and delinquency prevention programs.

The Federal Coordinating Council, with its responsibilities mandated by the act to waive regulations, guidelines and match requirements, was designed to accomplish what the administration wants: reduction of red tape. The tools are present to do these things. All that is needed is the will and the attention of the Attorney General as chairman to convene the coordinating council.

Relocating the OJJDP in a social services block grant relates to the peculiar relationship of the juvenile justice system and the social services delivery system at the State and local level. The juvenile court processes many types of children—dependent, neglected, abused, status offenders and delinquents. At the same time, as part of its responsibilities, the court often provides them with services that are in its direct jurisdiction, or it may order the juvenile offender to a private agency for treatment. Juvenile courts often do not have access to Federal funds, and children can not get services under these programs unless they are committed to an agency that can handle their needs.

A more serious problem is that many of these social service public agencies, because the demand for services is so great among other children, will not serve accused, adjudicated or delinquent youths. This process of exclusion may be formal or informal policy, but it is a reality for many delinquents.

The Juvenile Justice Act has had a secondary impact upon services to youth which is worth noting. A study by the academy for contemporary problems, financed by the National Institute of Juvenile Justice and Delinquency Prevention looked at, among other issues, the extent to which juvenile justice and delinquency prevention subsidies are in effect today. Before the academy undertook its research effort, NACo believed that such subsidies were limited in number and in scope. However, the academy's thorough research indicates that we were wrong. According to data to be published this spring, as of 1978, there were 57 juvenile justice subsidies in 30 States. These subsidy programs had appropriations of \$166 million. Incidentally, these programs do not cover new subsidy programs in Wisconsin, Virginia and Oregon. Half of the subsidy programs have come into existence since the passage of the Juvenile Justice and Delinquency Prevention Act in 1974.

Some important findings of the academy's study are:

Most juvenile justice subsidies initiated during the last 15 years (and still in existence) have been directed toward community services development and alternative, noninstitutional placements.

The development of the State subsidies coincides closely with the initiation of Federal grant-in-aid programs.

A growing number of subsidies are requiring that comprehensive community plans and local advisory councils be developed.

A large number of diverse, community based services for local juvenile delinquency prevention and control have come into existence with support from State subsidies.

Most services funded through subsidies are directed toward preventive and rehabilitative efforts.

Virtually all State subsidies are authorized through statutes.

An example of the kind of program which a subsidy component to the act could seek to fund is the New York youth aid bill. Adopted in 1974, the subsidy program receives \$23 million in State funds which is matched by at least a similar amount from New York's counties. All but several of the smallest counties participate in the program.

I have brought with me today the report of the activities Erie County has undertaken with its monies from the Youth Aid Bill. That report documents the impact of programs which assist us in reducing the use of secure facilities. Subsidy programs, which the 1980 amendments to the act will help, are a vital part of the partnership I spoke of earlier.

Programs like those New York have proven records of success. We believe that with further impetus from the Juvenile Justice Act, subsidies could become a more effective mechanism to attain the goals of diversion and deinstitutionalization, the act promotes, and to provide a partnership which is vital to meeting the needs of our young people.

#### OJJDP AND CRIME

You will hear much today about the impact of street crime. The act does focus upon delinquency and the 1980 amendments, specifically included serious and violent street crime and gangs as issues to be addressed. Juveniles do commit crime out of proportion to their numbers in the population. While they commit property crimes far more extensively than serious and violent crime, juvenile crime is a national phenomenon and a national problem, it does not stop at political boundaries.

Many will clamor for a more extensive focus upon juvenile violent crime. Again, we believe, the act is flexible enough to permit States to focus attention according to their needs. With the 1980 amendments, States have more flexibility, within the requirement to meet the mandates of section 223a, (12) (1), and (14) to address the issues of violent crimes. Certainly, additional research is necessary. OJJDP has committed significant discretionary resources to juvenile crime. Project new pride replication, restitution and the serious and violent crime initiative.

One focus of the act, now that LEAA maintenance of efforts or monies no longer exist, must be the protection of society through programs under the Juvenile Justice Act which deal with juvenile crime. This approach, rather than a reordering of priorities, is an issue which can be addressed through each State's assessment and OJJDP's planning process with its own funds.

#### IS THE ACT WORKING?

NACo believes the act is working. It has had problems, but given the level of resources and the mandates to be fulfilled, the act has accomplished much of what was set out for it in 1974.

In 1974, over 200,000 status offenders were being kept in secure detention. Today, that figure is less than 50,000.

Thirty six States and Territories are in full compliance with the deinstitutionalization of status offender mandate now, seven more must be, and should be, in compliance by the end of 1981.

Seventeen States are in compliance with the separation mandate in adult facilities. Twenty five States are making progress. Clearly we have a longer road to travel on the separation issue—but we are making progress.

More importantly, the act has created laboratories out of States for experimentation on what works and what does not. Nine States have revised their juvenile codes since 1977. Minnesota and Washington are experimenting with determinate sentencing models. The many State subsidies implemented since 1974 permit experimentation at the State and local level. Those efforts testify to the creative strength of federalism at its best.

To end the experimentation, to settle for the status quo just when six years of effort have begun to yield results, would be a tragedy and a waste. It would be a tragedy for nearly 500,000 youth who enter the Juvenile Justice System each year, it would be a waste of much of the \$500 million in Federal resources invested since 1974 and the other resources from LEAA since 1968.

## NACO CONCLUSIONS AND RECOMMENDATIONS

Therefore, the National Association of Counties urges that you support an appropriation level of \$100 million for the act, with the maximum amount possible being allocated to the Formula Grants Program. We as an Association for County Governments also go on record today as opposing any transfer of Federal financial and technical assistance for juvenile justice and delinquency prevention and control programs to block grant programs in the Department of Health and Human Services and, moreover, support location of Federal program administration for these activities within the Department of Justice as part of a focus by the Federal Government upon problems posed by crime at the local level.

The act is stimulating efforts to improve the Juvenile Justice System at the State and local level. The act has succeeded in reducing the use of inappropriate incarceration and in developing new approaches and techniques which show promise. It has had a substantial role in developing the partnership we need to improve the Juvenile Justice System.

Finally, let us not abort an effective program just as it reaches maturity under the Department of Justice simply to add to an already overburdened Department of Health and Human Services by giving birth to a new and unfamiliar charge for them to foster.

Senator SPECTER. Mr. Thomas, I will turn to you at this point. Have you identified yourself?

**TESTIMONY OF LEE THOMAS, DIRECTOR, SOUTH CAROLINA DIVISION OF PUBLIC SAFETY PROGRAMS AND THE NATIONAL GOVERNORS ASSOCIATION**

Mr. THOMAS. I am Lee Thomas. I am director of the Governors Division of Public Safety in South Carolina. I am here representing the National Governors Association and the National Criminal Justice Association.

In South Carolina my division in the Governor's office has responsibility for planning, coordination, and a variety of other areas in public safety. One of their functions is to administer the juvenile justice money that comes into our State.

I think we have heard, and heard clearly, from the earlier testifiers that crime is a serious problem. We all agree with that and there is no question about it.

What we may find ourselves in is the quality of life of this country. The quality of life of the people in this country is being eroded by crime. While we are concerned about defense and concerned about our national security, we have also to be concerned about our internal security. We have to be concerned about crime, and it cannot be done at just a State and local level. It has to be a coordinated effort, a major effort of all branches of government—Federal, State, and local—and we feel there is a proper role for each.

We feel that the role of the Federal Government, for instance, during the last 6 years in the juvenile area, was well played out with the juvenile justice program. I heard earlier testifiers talk about the progress made in the 6 years and the individuals from the Department of Justice indicate they were very satisfied with the progress. They felt good progress had been made with the program. We certainly agree.

I can tell you for the amount of money spent it was tremendous progress. In my State I saw reform of our juvenile system, reform of our jail system, sorting out of those individuals coming into that system so we could spend more time with the serious juvenile

offender while we also spent time with troubled youth at an early stage.

Senator SPECTER. Are all the Governors represented in your association?

Mr. THOMAS. The National Governors Association does represent all the Governors.

Senator SPECTER. Procedurally, do they express a judgment or an opinion which you carry forward here or does the board of directors do so? In what way, if at all, are you authorized?

Mr. THOMAS. Yes, sir, they do. The position is that they fought the juvenile justice program. They do not support putting this program in HHS. They support the juvenile justice program as a separate program in the Department of Justice with the funding which was transferred to HHS as part of a block grant not being transferred there but remaining with the Department of Justice.

Senator SPECTER. If Mr. Morris were here, he might say that kind of support would be indicative of attention under the block grant concept. What would your response be to that?

Mr. THOMAS. We feel the juvenile justice program is a block grant and has been a block grant for 6 years. It gives the States the flexibility we feel they need to make decisions. It also gives us a mandate. We accept those mandates as proper.

The block grant concept under HHS we support. We support block grants. We do not feel the juvenile justice program is an appropriate program to go into that block.

Senator SPECTER. If this program is eliminated, what do you think the response of the Governors would be on applying funds from HHS to this objective?

Mr. THOMAS. Very limited.

Senator SPECTER. Why do you say that?

Mr. THOMAS. Based on the experience of 14 years I have had at the State level of South Carolina.

Senator SPECTER. More priorities will come ahead of it?

Mr. THOMAS. I don't think there is any question about it. I think traditionally criminal justice is a low priority when it comes to spending money, particularly when you begin to look at juvenile justice.

Senator SPECTER. Why should that be, given the success of the program, the importance of the program, and the commitment which you articulate is present from the National Governors Association?

Mr. THOMAS. I think it comes down to constituent groups and where priorities go when you get down to tight dollars at a State level or local level, just as it does at a national level, that is, it is easier or it is the route we take to give our money to the welfare programs or to our school programs, which are appropriate programs to fund. However, they are the ones which get first priority when it comes to getting the money, as opposed to the youth who are in the justice system, the youth who are committing crimes.

Why is it? I guess it is because there are stronger constituent groups for them than there are for the children who have committed those crimes.

Senator SPECTER. When you talk about constituency pressure, you are talking about one of the fundamentals of representative

democracy I have observed a tremendous response from people across this country to the elimination of this program. If that voice is heard in other senatorial and congressional ears, it might have a substantial effect.

Gentlemen, thank you for coming this morning. I would like to spend a great deal more time in hearing your views and exchanges on a dialog. However, we have two more distinguished panels and we are subject to interruption again for more votes.

I would like to thank you at this time.

[Material follows:]

#### PREPARED STATEMENT OF LEE M. THOMAS

Mr Chairman and distinguished members of the Committee, my name is Lee M. Thomas and I am Director of the Division of Public Safety Programs for the State of South Carolina. I appreciate the opportunity you have extended to me to address you on the problem of crime and juvenile delinquency and the proper federal response. I appear before you on behalf of the National Governors' Association, especially its Committee on Criminal Justice and Public Protection chaired by Governor Robert List of Nevada, and as Chairman of the National Criminal Justice Association.<sup>1</sup>

Both the National Governors' Association and the National Criminal Justice Association have supported the Juvenile Justice and Delinquency Prevention Act since 1973. Attached for your information are copies of two recently established policy positions (A-2 and A-11) of the National Governor's Association on the prevention and control of juvenile delinquency. The two organizations continue to stand behind the program and believe that a block grant program focusing on juvenile crime and delinquency should be administered by the Department of Justice rather than by the Department of Health and Human Service.

One of our nation's most serious problems is crime, a conclusion that is inescapable. Whether one reads the FBI's Uniform Crime Reports, national polls, Time, Newsweek, or our daily newspapers, the ugly facts are there. How bad is the problem? In the FBI's most recent Uniform Crime Report just released yesterday, crime took another dramatic 10 percent increase over the previously reported period. Juvenile crime, depending on the offense, accounts for anywhere from 20 percent to 48 percent of the crime totals.

The bill to reauthorize the Juvenile Justice and Delinquency Prevention Act for four more years was signed into law on December 8, 1980, after days of hearings. A factual basis for continuing the program was convincingly made.

The bill that was signed into law placed an increased emphasis on dealing with serious and violent juvenile crime. The primary purposes of the Juvenile Justice Act are to prevent and reduce juvenile crime and delinquency and to promote reform of the juvenile justice system. These purposes are distinguishable from the emphasis of direct services under the Health and Human Services proposed block program. The Juvenile Justice Act recognizes this distinction, encouraging the diversion of non-criminal juveniles who are not threats to the public safety from the juvenile justice system to the social services system where their needs are more appropriately addressed.

Consolidating the juvenile justice program into a social services block program will not address the crime problem. Crime reduction is not a mission, interest nor an area of expertise of the Department of Health and Human Services. The agency at the State level to administer the social services block program would likely be a counterpart agency with parallel qualities. Thus, funding under the block program would likely go to support such activities as day care, foster care, runaway youth and community services.

The National Criminal Justice Association conducted a State survey completed on March 26, 1981. The States were asked how juvenile justice programming would fare if it were consolidated into a Department of Health and Human Services block

<sup>1</sup>The National Criminal Justice Association represents the directors of the fifty-seven (57) State and territorial criminal justice planning agencies (SPAs) created by the States and territories to plan for and encourage improvements in the administration of adult and juvenile justice systems. The SPAs have been designated by their respective jurisdictions to administer federal financial assistance programs created by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and the Omnibus Crime Control and Safe Streets Act of 1968, as amended. In essence, the States, through the SPAs are assigned the central role under the two Acts.



grant. Of forty States responding, only four States indicated that juvenile justice would fare better than or the same as under a Department of Justice administered program. Twenty-six States indicated that juvenile justice would fare poorly under the consolidated block grant. Six States would not or did not predict the outcome. The majority of survey respondents who stated that juvenile justice programs would not fare well under the Department of Health and Human Services block grant indicated that while juvenile justice remains a State priority, sharp reductions in State general fund support to social services programs coupled with anticipated reductions in federal assistance to such programs would likely necessitate the use of all federal monies made available under the consolidated social services block grant program to supplement State social services programming. Continued momentum in reform of the juvenile justice system and improvement in the States' ability to respond to juvenile crime would be lost in the need to absorb federal aid in providing basic service to needy individuals. Thus, with the transfer of the juvenile justice program resources to the Department of Health and Human Services, it is unlikely that significant amounts of federal funds will be allocated to address serious crime or the juvenile justice system.

The shifting of resources from the Department of Justice to the Department of Health and Human Services for the prevention and reduction of juvenile delinquency implies a change in national policy that the problem of youth crime should be fundamentally approached as a social service rather than a criminal juvenile justice responsibility. We find no evidence that the social service system is desirous of or prepared for dealing with this problem. As one Governor stated at the Juvenile Justice Act oversight hearings in the House of Representatives two years ago, "the needs of youth sometimes get lost when no special focus exists." The placement of the juvenile justice program in the Department of Justice provides a mechanism for the federal government to address youth crime. Since the creation of the program, a higher percentage of federal effort has been directed to addressing the problem of juvenile delinquency.

The Juvenile Justice and Delinquency Prevention Act of 1974 is one example of an early block grant program; it is not a categorical program that has to be consolidated. The juvenile justice program already meets the basic tenets of the new Administration's and the National Governors' Association federalism principles. First, sixty-four percent of the Juvenile Justice Act funds are distributed to States in the form of block grants with the States having the authority to allocate funds to meet a number of broad purposes. While a greater percentage of the Act's funds could be put into the block program, the existing formulas are not out of line. Second, the Juvenile Justice Act does not prescribe a large number of explicit administrative requirements. Third, while providing federal leadership, the Act does not preempt State laws and policies. Fourth, the Act provides for prepayment of federal funds so that States can rationally plan for their uses.

There is no good reason to transfer the juvenile justice program to the Department of Health and Human Services. Attorney General William French Smith indicated in his testimony on March 26, 1981, before your Committee, that there were no substantive reasons for the termination of the juvenile justice program in the Department of Justice. The National Governors' Association would welcome a comprehensive sorting out process of the roles and responsibilities between the States and the federal government. Unfortunately, the decision to terminate the juvenile justice program was not part of such a process. It may be that juvenile justice will be a proper candidate for total State and local support when that sorting out process is accomplished. In the future perhaps the federal government should assume the greater responsibility for income support programs in exchange for greater state responsibility in such areas as education, transportation, community and economic development and law enforcement.

To the best of our knowledge, the Administration has given little thought to date on how all the extant programs to be consolidated in block grants will be phased out. The juvenile justice program may be unusual in that the States are given three years to expend the money received in any fiscal year, and an additional six months to provide for a final accounting. Thus, fiscal year 1981 Juvenile Justice Act funds will be in the "pipeline" through 1983 and administrative functions will have to be performed through 1984. By whom and how will the federal and State administrative functions for the Juvenile Justice Act funds be performed through 1984?

Even if the Juvenile Justice Act program is continued in the Department of Justice, this Committee will have to face the problem of how to provide adequate administrative dollars to the States for them to administer the block grant funds. The present statute limits the amount of federal funds that can be used for State administration to 7 percent of a State's block grant award. When the Omnibus Crime Control and Safe Streets Act was being funded, the administrative money



from the two Acts and the economies of a single State administration provided for sufficient resources for State administration. If only the Juvenile Justice Act program exists, the 7½ percent cap prevents the allocation of adequate resources for State administration. Whether the Juvenile Justice Act is continued or phased out, this Committee will have to find a way of authorizing enough administrative dollars for States where dollars would be insufficient to provide the stewardship for the program dollars. In a survey of the States completed by September 3, 1980, the National Criminal Justice Association learned that fourteen of the eighteen responding States would not receive sufficient funds to perform administrative functions under existing legislation.

Mr. Chairman, the National Governor's Association and the National Criminal Justice Association hope these comments lay the foundation for maintaining the Juvenile Justice Act program in the Department of Justice.

Thank you for the opportunity to testify, and I would be happy to answer any questions you may have now or later in writing.

#### PREVENTION AND CONTROL OF JUVENILE DELINQUENCY

Greater emphasis should be placed on coordinating and planning services for the prevention, control, and treatment of juvenile delinquency. Each state should strengthen its commitment to this effort by emphasizing programs to build better families, schools, and community services.

Congress is to be commended for enacting the Juvenile Justice and Delinquency Prevention Act Public Law 93-415 of 1974. The act provided resources for developing programs in juvenile delinquency and treatment.

Because the problems caused by juvenile delinquency continue, Congress should incorporate the following principles into the reauthorization of the Juvenile Justice and Delinquency Prevention Act:

1 The act should maintain the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Law Enforcement Assistance Administration. The director of OJJDP should report to the administrator of LEAA.

2 There should be parallel authorization periods with the Law Enforcement Assistance Act. This would help states to assess, manage, and implement all criminal justice programs during a reauthorization cycle.

3 The "adequate assistance" provision that applies to courts and corrections should apply to all components of the criminal justice system including juvenile justice.

4 The state agency designated by the Governor to develop a state's criminal and juvenile justice plan should coordinate all juvenile justice programs. No program should be funded directly under the act without the advice and comments of this agency.

5 Discretionary grants should provide an equitable share of funds to rural and urban states for the development of juvenile justice programs.

6 The legislation should direct the Office of Juvenile Justice and Delinquency Prevention to ensure that rules, regulations, definitions, and responsibilities pursuant to the act are reasonable and consider the impact on the states. Furthermore, they should be designed to encourage full participation in the program by all states.

Adopted August 1980

#### DEVELOPING PROGRAMS IN DELINQUENCY PREVENTION

Governors recognize that youth are the nation's most valuable resource. Yet too many young people become involved in crime and delinquency, often permanently affecting their ability to become useful and productive adult citizens.

As Governors we must take an active role in seeing that delinquency prevention programs are developed. For example, we must develop strong and effective programs in schools that do not generate inappropriate labeling and systematically rob segments of youth of opportunities to become useful and competent adults. These programs must not in any way reflect stereotypic presumptions of undesirable traits among youths with certain socioeconomic, social, or ethnic backgrounds.

We encourage the development of youth programs that:

Work to improve respect for the law and law enforcement officials.

Work to broaden the range of conventional ties available to youth, particularly in the areas of work and community service.

Work to reduce youth perceptions of powerlessness, and

Work to develop respect and confidence in the institutions and values of American society.

We encourage the Office of Juvenile Justice and Delinquency Prevention to provide technical assistance and training to states to help develop viable delinquency prevention programs.

Furthermore, we encourage a greater use of volunteers, and the use of other federal and state resources in such areas as job training, education, and other human service programs in a cooperative effort to curb juvenile delinquency.  
Adopted August 1980.

Mr. ABGOTT. Mr. Chairman, I would like to correct a statement I made. I was in error when I said we have 3,000 members. We have 2,000 members. At the present time we are preparing a document indicating those cuts we would support toward a balanced budget.

Senator SPECTER. Thank you.

You referred to other programs from your organization.

Mr. ABGOTT. Yes.

Senator SPECTER. I would be pleased to have you submit those in writing.

Mr. ABGOTT. I would be delighted.

Senator SPECTER. The committee would be interested in having that.

Mr. ABGOTT. I would be delighted.

Senator SPECTER. Thank you.

[Material subsequently supplied follows:]

NATIONAL ASSOCIATION OF COUNTIES.  
Washington, D.C., April 1, 1981.

Hon. ARLEN SPECTER.  
U.S. Senate,  
Russell Office Building  
Washington, D.C.

DEAR SENATOR SPECTER. It was indeed a pleasure for me to testify before your subcommittee on behalf of the National Association of Counties in support of the continuation of the Office of Juvenile Justice and Delinquency Prevention.

NACo, which represents 90 percent of the nation's citizens, is in favor of balancing the federal budget as soon as possible, and wholeheartedly pledge to continue to keep our county budgets balanced. However, NACo's Criminal Justice and Public Safety Steering Committee adopted a resolution in March of 1981 calling for an appropriation level of \$400 million for OJJDP, and to oppose the transfer of federal financial and technical assistance for juvenile justice and delinquency prevention and control programs to block grant programs in the Department of Health and Human Services. Moreover, the Steering Committee supports location of federal program administration for those activities within the Department of Justice as part of a focus by the federal government upon issues posed by crime juveniles at the local level.

Senator Specter, in responding to your request for information concerning juvenile justice programs in Erie County, New York supported by OJJDP funds, I submit the following:

#### DE-INSTITUTIONALIZATION OF PINS

This program was geared toward compliance with state regulations requiring removal of youthful status offenders from secure detention facilities. The services of this three-year program have been institutionalized through Erie County, and it is considered an exemplary project by the Erie County Office of Criminal Justice Planning. Services of the project were geared toward diversion of troubled youth from deeper involvement in the juvenile criminal justice system through a three-tiered network including: 1. an in-home service component, for those youth whose behavioral background indicated they could benefit from counseling and referral while still residing in their own homes; 2. a non-secure, structured group home, for those youth whose background of acting out in home, school or community suggested the need for service in a structured setting; and 3. a non-secure foster home component, for children temporarily removed from their homes by court order, but not requiring the structure of the group home setting. Federal funds \$260,000.

#### ADOLESCENT DELINQUENCY DIVERSION PROGRAM

This project is deemed a highly exemplary program by the Erie County Office of Criminal Justice Planning. The program goal is to lessen the tendency toward juvenile justice system involvement for Lackawanna youth (aged 10-16) whose background of disruptive behavior indicates an ongoing pattern of this type. Project services will be institutionalized through the implementing agency, Baker Hall, with the close of federal funding in April, 1981. Since its inception three years ago (April, 1978), the program has enjoyed good relations with the community, its implementing agencies and the agencies from which it receives client referrals, including the Lackawanna Youth Bureau, police, and the Lackawanna School System. This community based treatment program - sized out patient counseling to delinquent and pre-delinquent Lackawanna adolescents. This involves individual and family psychotherapeutic counseling, with exploration of specific problem behavior, as well as the underlying emotional disturbances behind it. The project also furnishes advocacy with the educational, social work, and juvenile justice systems. Average length of time in treatment is six months, though about 20 percent go beyond that for a full year. 197 clients have been accepted for treatment since 1978. (Federal funds: \$180,000)

#### VIDA CRISIS INTERVENTION CENTER

The goal is reduction of juvenile crime in largely Hispanic neighborhoods of Buffalo's Lower West Side and Lackawanna's First Ward by furnishing services in a bi-cultural framework to youth tending toward involvement in patterns of crisis. Services include in house and crisis counseling and community outreach. (Federal funds: \$70,610)

#### COMPREHENSIVE YOUTH SERVICES PROJECT

The goal is to decrease involvement of Buffalo youth (aged 16 to 19) with the criminal justice system by providing services geared to increase employability, including vocational and career awareness counseling, and vocational and aptitude testing. (Federal funds: \$177,314)

#### SAVING FAMILIES FOR CHILDREN AND YOUNG ADULTS

The program goal is to reduce the tendency of youth in the vicinity of the "Fruit Belt" area of Buffalo to become involved in delinquent activities by strengthening individual and family life through a network of civic and family life oriented workshops, counseling services, and cultural-recreational activities geared to youth aged 13 to 19. (Federal funds: \$100,000)

#### PROJECT CRITICAL LINK

The program goal is oriented to assist Erie County children (7-21) from families with incarcerated parents. The program identifies problems of such youth and provides counseling and linkage to resources that may minimize the risks of their future criminal involvement. (Federal funds: \$69,460)

Again, I wish to thank you for the opportunity of appearing before your subcommittee. Hopefully, working together, we can fashion a partnership to help juveniles in trouble with the law.

If further information is needed, please call NACo's Associate Director, Herbert C. Jones at 783-5113, extension 334.

Sincerely,

ALBERT N. ARGOTT, *Legislator.*

Senator SPECTER, Mr. Milton Rector, Judge Sylvia Bacon, Mr. Robert Woodson.

This may well be the reconvening of the National Commission on Criminal Justice Standards and Goals, of which Judge Bacon is director, and so many of us here have discussed these problems over the years, with some success perhaps, however limited in end result. Now the emergency team is in to see whether we can save a program.

Welcome to this hearing.

Judge Bacon, let us start with you. If you would, please identify yourself for the record.

TESTIMONY OF HON. SYLVIA BACON, JUDGE, SUPERIOR COURT, DISTRICT OF COLUMBIA, AND CHAIRPERSON-ELECT, CRIMINAL JUSTICE SECTION, AMERICAN BAR ASSOCIATION

Judge BACON I am Sylvia Bacon. I presently serve as a judge of the Superior Court in the District of Columbia. I appear here today on behalf of the American Bar Association and its some 265,000 members.

I know we are somewhat pressed for time. Let me ask that the record reflect the prepared remarks. Let us also recall some of the discussions we had in the period from 1972 through 1975.

As you are aware, I appear today to urge continued Federal participation in our efforts to combat juvenile crime, and particularly to urge that that Federal participation be channeled through the Office of Juvenile Justice and Delinquency Prevention.

I do that—as more fully set forth in the written statement—for three reasons:

One, the juvenile crime problem persists.

Two, there are still a number of Federal initiatives that are in midstream and need further Federal attention.

Finally, OJJDP has demonstrated its ability to accomplish tasks which the States alone cannot accomplish, and to avoid wasteful duplication of State efforts in some areas.

I would also like to call your attention to some historical facts about which I was reminded in prior testimony; that is, for the most part juvenile justice has received short shrift. Historically, this Nation has not devoted as much attention to the juvenile crime problem as it has to adult crime problems.

You may recall that the National Crime Commission in 1967 gave us shocking data about juvenile crime—but only one slim volume on the manner in which to deal with it.

You may recall in our own efforts on the National Advisory Commission on Criminal Justice Standards and Goals one of the most difficult problems and most disappointing reports was in the area of juvenile crime.

The Safe Streets Act creating LEAA did not accord the juvenile justice the priority which it attributed to other areas. It should be no surprise to us, then, that we need as a nation to expend some additional time and effort in the area of juvenile justice.

Adult crime had our focus of attention from approximately 1967 to 1981, in the cutback of LEAA.

In the juvenile field it has been only from approximately 1974 to 1981, we are about a decade behind in terms of Federal initiative and assistance.

There are very significant matters that are in midstream. I call your attention to one, which is mentioned in my written remarks, which has not received very much attention here today, and that is the important work of OJJDP in juvenile justice standards development and implementation, and I would point that out to you as one of its continuing and important missions. Those standards are just out.

Those of us who have worked in the adult criminal field know that standards have had some important impact over the long range in developing speedy trial standards, in developing standards

of punishment, addressing the issue of punishment versus rehabilitation.

I also call your attention to another important project which is in midstream with OJJDP, and that is youth education for citizenship. I have described that program in my written remarks, and particularly note our efforts here in D.C. in the street law project.

In sum, the ABA suggests to you that juvenile crime is indeed a law enforcement problem. It should be addressed through the Department of Justice, and it is a problem where Federal leadership is needed, particularly in the area of the violent offender.

Senator SPECTER. Would you expand a bit on the standards which are in midstream?

Judge BACON. At the present time we have for public consideration 9 years of work that the ABA and IJA undertook in the standards of juvenile justice. We also have the recently promulgated National Advisory Commission Standards in juvenile justice.

No serious implementation effort has yet been launched. Those of us familiar with the Standards for Criminal Justice promulgated by the ABA, Standards and Goals of the National Advisory Commission on Criminal Justice, know that there is substantial work to be done in getting those standards out to the practitioners.

Senator SPECTER. Has any effort been made within this program to move in that direction?

Judge BACON. The OJJDP at this point, as I understand it, was about ready to issue an RFP for an implementation program.

Senator SPECTER. But has not quite gotten to it?

Judge BACON. Has not yet issued it.

Senator SPECTER. What is your sense of the standards which are in operation around the country at the present time compared to those you referred to?

Judge BACON. It appears to me that there has not been serious effort for implementation even of those juvenile standards, limited as they were, that the National Advisory Commission on Criminal Justice Standards and Goals suggested, because LEAA simply did not have a primary focus on juvenile justice as OJJDP had.

If you were seeking comment on what is the comparative value of the various standards, that would be a pretty long answer. I do suggest, however, that most of the standards are fairly compatible, as we found between the adult ABA standards and NAC standards, and efforts at implementation of any and all standards is to the advantage of the system.

Senator SPECTER. The question that I have is this: What is your view of the way that the juvenile courts are functioning at the present time across the country in comparison with the standards of the ABA or the NAC which you referred to? Is it bad? Is it not too bad?

Judge BACON. My view, without being scientific about it, is that there is very limited compliance with juvenile justice standards.

You heard some testimony from the Department of Justice this morning about noncomingling, but I think there is a vast number of standards in other areas—for example, intake, processing, appropriate punishment or rehabilitation programs which are not uniform, and most States would not be in accord with the standards.

In fact, I believe we will find States which have not yet fully complied and cannot.

Senator SPECTER. Thank you very much. We shall receive your statement and it will be made part of the record.

[The prepared statement of Judge Bacon follows.]

PREPARED STATEMENT OF JUDGE SYLVIA BACON

I appear today to urge continued Federal participation in strengthening juvenile justice and in developing methods of controlling juvenile crime.

My name is Sylvia Bacon. Although I am a judge of the Superior Court of the District of Columbia, I speak as a representative of the 265,000 lawyers and judges of the American Bar Association. Many of the Association's members have served, as I have for over a decade, on various commissions, task forces and committees addressing the problems of juvenile crime.<sup>1</sup>

The American Bar Association is acutely aware that the nation's best hope for reducing crime lies in the reduction of juvenile delinquency. Thus the Association labored for nine years, in cooperation with the Institute of Judicial Administration, to produce 20 volumes of "Standards for Juvenile Justice." On a daily basis, its Special Committee on Youth Education for Citizenship reaches to local youth with programs designed to develop respect for the law and to prevent delinquency. In addition, many of the sections of the Association maintain committees which deal with specific problems in the area of juvenile delinquency. Most recently, the ABA has received the report of its special task force on Implementation of Juvenile Justice Standards which urged continued work on Juvenile Justice Standards implementation.

From this composite of experience and study the American Bar Association concludes that:

"There is continued need for Federal leadership in combatting juvenile crime. Federal leadership can best be achieved through the office of Juvenile Justice and Delinquency Prevention."

The ABA calls on Congress to reject recommendations that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) be abolished.

Juvenile crime is still a pressing national problem, one which the states cannot handle alone. Data available in 1967 indicated that 20 percent of the persons arrested for crime were under 18 years of age. Data published this past week in the District of Columbia indicates that in 1981 an even greater percentage of persons arrested for crime are juveniles. In the District of Columbia 40 percent of the persons arrested for robbery are under 18, 30 percent of those arrested for burglary are under 18 and 25 percent of all persons arrested for crime are under 18. Undoubtedly this data is replicated across the nation, and prompts the recent major cover stories on crime in such leading news journals as Time and Newsweek. It prompts Attorney General William French Smith to create a national Task Force on Violent Crime and it prompts the remarks of Chief Justice Burger who addressed the ABA on violent crime in February.

Most significantly, the citizens of this nation are deeply troubled by the ineffectiveness of local efforts in juvenile justice. They know that juvenile delinquency is a major factor in the crime problem. They know that there must be some change in the way juvenile delinquents are handled. They know that their cities and states are not dealing adequately with juvenile problems whether they arise in connection with a 13-year-old runaway or from the depredations of a violent youth.

With these facts as a backdrop, it seems apparent that Federal assistance on juvenile problems cannot be abandoned. The state and local governments are in need of Federal leadership and help.

As you know, the American Bar Association first addressed the need for Federal leadership in 1972. It recommended a concerted federal program in juvenile justice, noting "an urgent need" for national coordination of efforts and for research on what approaches work in reducing delinquency. More recently in the ABA/JJA Standards Relating to Planning for Juvenile Justice, the ABA advised that "Federal policy in juvenile justice should be concentrated in two areas: the development of new ideas, both in the form of basic research and through the process of evaluation."

<sup>1</sup> Judge Bacon was Associate Director of the President's Commission on Crime in the District of Columbia, a member of the National Advisory Commission on Criminal Justice Goals and Standards and a member of the national Task Force on Juvenile Justice and Delinquency Prevention. She currently serves as chairperson-elect of the Section of Criminal Justice of the American Bar Association and as chairperson of the Committee on Juvenile Justice Standards of the National Conference of State Trial Judges.



ing reform strategies, and the funding of states, localities and private agencies in support of programs oriented toward innovation." Simply stated, the old approaches are inadequate and federal initiatives are needed to shed light in the problems of juvenile justice and to give some direct fiscal support to reform efforts.

A minimum federal program, we believe, must include a national research institute to probe the common cause of juvenile justice problems and to seek out the best methods for their alleviation. No single state can perform this function adequately. In addition, the Federal government must continue its efforts in the area of standards and goals. The ABA has been a strong supporter of minimum standards as an effective way of addressing problems which transcend state boundaries.

In the view of the ABA, the Office of Juvenile Justice and Delinquency Prevention can provide the type of Federal leadership and help which we believe is essential. Although OJJDP has been beset with problems, it is significant to note that the reauthorization bill enacted by overwhelming majorities in both Houses of Congress last fall brought a new focus. Commendably, OJJDP began to give priority to the problem of violent youth crime. This focus fully responds to the call by the Congress and the public for Federal assistance in a difficult area. Further, let me note three specific OJJDP programs which illustrate its ability to provide sound leadership and genuine help in addressing the problems of juvenile crime.

First and most significantly, OJJDP provided important support for the development of juvenile justice standards. Neither the ABA, IJA Standards nor the National Advisory Commission project would have been completed without Federal leadership through the Juvenile Justice Office. The Standards which have been developed offer models for changes in state laws, rules and procedures ranging from police handling of juveniles to proper sentences. No state could have developed them alone. A national perspective was needed.

The 20 volumes of ABA IJA Juvenile Justice Standards recognize that the system has dealt inadequately with serious juvenile offenders. The standards urge adoption of determinate sentences and greater certainty of punishment for serious delinquents. They provide a structure for rethinking the more traditional rehabilitative approach to juvenile delinquency.

The Standards program is now in midstream. Additional Federal assistance is needed to facilitate thoughtful examination of the standards by police administrators, judges, and legal and juvenile justice professionals—as well as state legislators. Although the American Bar Association is committed to a full-fledged implementation effort, the private sector cannot do it alone. Some Federal involvement is required.

Second, I call your attention to the role of OJJDP in encouraging the removal of juveniles from adult jails. Young offenders have too often been exposed to adult criminals, and learned more sophisticated criminal behavior. The ABA recognized the folly of mixing juveniles and adults in its "Juvenile Justice Standards Relating to Interim Status." As set forth in the Standards, "The interim detention of accused juveniles in any facility or part thereof also used to detain adults is prohibited." Additional work, however, is needed to follow up on a recent National Institute of Corrections study which concluded that most juveniles housed in adult jails and prisons were accused or convicted of property, not violent, crimes and that young offenders are sent to adult facilities for reasons other than the seriousness of the offense for which they have been convicted. OJJDP can play a proper Federal role by alerting the states to these facts and by making the states aware of the corrective measures which are available to them.

Third, OJJDP has provided important leadership in delinquency prevention through the national Youth Education for Citizenship program. Through joint Federal-ABA efforts nearly every state in the Union knows about and can participate in this successful program.

Let me tell you about it. The ABA Special Committee on Youth Education for Citizenship (YEC) was created to help young people learn about law, the legal process and the legal system. The purpose was not to make children into amateur lawyers, but rather to prepare them for citizenship in a society in which law plays an increasingly important role.

This law related education, which is offered in elementary and secondary schools, has a direct impact in delinquency prevention. It teaches young people what the law is and the consequences of its violation, it teaches them the value of participating in a society which is organized by law to advance everyone's interest, it teaches them informed, responsible participation in governance—so that they can understand they have a stake in the society.

OJJDP leadership and coordination avoided costly duplication of effort by the states and provided curriculum materials which could be used in every state.

Discussion of other programs would further illustrate OJJDP's ability to provide the needed Federal leadership. When properly staffed and funded, that Office can complete projects which no one state could staff or fund. It can also minimize fragmentation of state efforts and avoid wasteful duplication of state efforts.

Finally, it should be noted that proposals to fund some juvenile justice programs through the Department of Health and Human Services are not sound. Juvenile delinquency is, in major part, a law enforcement problem. It belongs in the Department of Justice.

In summary, in the view of the American Bar Association, OJJDP should not be abandoned. There is a continuing need for one Federal office to address the problem of youth crime. It is an office which must be funded. We do not ask however, that it be immune from cutbacks. We only ask that it be funded at a level which will continue to provide Federal leadership and which will intensify focus on the violent juvenile offender.

Thank you for the opportunity to present the ABA's views on this question. I will be happy to answer any questions.

Senator SPECTER. Mr. Rector, welcome to this hearing. Would you identify yourself for the record, please?

**TESTIMONY OF MILTON RECTOR, PRESIDENT, NATIONAL COUNCIL ON CRIME AND DELINQUENCY, ACCOMPANIED BY PAUL DEMURO, DIRECTOR, OFFICE OF YOUTH SERVICES AND SOCIAL JUSTICE**

Mr. RECTOR. I am Milton Rector, the president of the National Council on Crime and Delinquency.

My associate is Paul Demuro, director of NCCD's Office of Youth Services and Social Justice.

Senator SPECTER. Welcome to these hearings.

Mr. RECTOR. My reason for asking Paul to be here is because OJJDP has invited the NCCD to work with it on the design and management of a major initiative in the United States on the violent youthful offender, and Mr. Demuro is our director of that program. Knowing that is one of the interests of this administration and yourself, I thought some of these questions might go to him.

I have prepared a statement I would like to submit for the record.

Senator SPECTER. It will be made part of the record following your oral presentation, Mr. Rector.

Mr. RECTOR. Thank you, Senator.

I would first like to put NCCD on record as one of the many organizations which worked for the beginning of the Office of Juvenile Justice and which is strongly supportive of its continuation. I plead for tolerance. It is a young program dealing with an old problem. It has been going for 6 years, far less than that if you consider the time it teamed up. It is one of the oldest agencies in the juvenile justice field in the United States and one with which I have been for now 36 years.

I can see for the first time that organizations in the United States are beginning to speak to one another. We have a focus for coordination, not just within the Federal Government, which has been one of the goals, but also within the private sector.

I can attest to what Judge Bacon has said about the need for standards and help in their implementation. If you read the critical litigation in State after State since the *Gault* and *Kent* decisions, you will find in practically every case they have resulted in young-

sters being released from jails, being released from training schools, and so on, without having had legal counsel.

There is a great concern about stripping the leadership program from the Federal level, which has indeed been the beginning of leadership, to put juvenile justice programs back under the whims of State and local government without very strong guidance and, very candidly, funds to go along with that.

We have seen in previous block grant programs, and we have certainly seen in categorical grant programs under OJJDP, the difficulty in getting them financed, the difficulty in getting organizations unused to working with what we call the deep end, youngsters really destined to go on into the criminal justice system, not because of the severity of their crimes but because they are minority and they are an uneducated and underskilled group for which there is no chance for mobility. We find them populating still the training schools of this Nation.

We have made some projections in our office, Mr. Chairman, which indicate on a basis already of one or two States, that the United States—rather than 72,000 secure placements for youngsters of juvenile court age jurisdictions, on the basis of these States, two States—would really need no more than 5,000. I am almost doubling our own figures. It comes out to 2,700, and it sounds so low it is surprising.

What we are saying is that if the juvenile justice program is going to make a dent on violent crime, is going to make a dent on the goals that it has tackled, it has to last a generation because it is a generation of youngsters we have to influence.

My best point addresses, because so many times I have had the same question—why does the National Council on Crime and Delinquency focus on deinstitutionalization? Why have we as early as 1970 and 1971 gotten in front saying nondelinquents should not even be in juvenile court jurisdiction, which has been picked up by many of the standards-setting groups?

The reason is that institution and detention care take up the greatest amount of resources of the State and local governments going for problem children. By focusing on that issue and deinstitutionalization, OJJDP wisely took an issue that if these standards of compliance and programs relating to them were put into place, it would free up without new appropriations funds now going for institutionalization and detention of children in the tens of thousands that could go for noninstitutional services at a tenth to a quarter of the cost. That is the principal thrust of our program.

Senator SPECTER. Thank you very much, Mr. Rector. I appreciate your testimony.

[The prepared statement of Milton G. Rector follows:]

#### PREPARED STATEMENT OF MILTON G. RECTOR

Re Chairman, members of the Subcommittee on Juvenile Justice, I am Milton G.  
is president of the National Council on Crime and Delinquency. My associate  
Demuro, director of NCCD's Office of Social Justice for Young People.  
NC grateful for this opportunity to share with the committee the views of the  
concerning the appropriate Federal role in combating juvenile crime.

As we understand it, you are currently considering a proposal which in effect would abolish the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice. This proposal would severely limit the amount of funding

available to cities, counties and States for implementing the Juvenile Justice and Delinquency Prevention Act by consolidating the Federal effort for this program into the social service block grant programs within the Department of Health and Human Services. That too depends on whether the Department agrees to include juvenile justice in its program and budget.

Daily in our newspapers and on the TV and radio we hear about the mandates of the recent election. As a representative of one of our Nation's oldest juvenile and criminal justice organizations, we are concerned that our Government operate in the most efficient and cost effective manner as possible. We all suffer from high inflation, waste in Federal programs and unemployment. We are concerned, however, that the proposed Federal cuts will disproportionately affect an important segment of our population who do not vote—our young people. The cuts will eliminate a Federal initiative which has only begun, and which would require at least a generation to prove its effectiveness.

Quite frankly it does not take an expensive research grant or even a crystal ball to know with a fair amount of certainty that with the impending cuts in food stamps, special education, child welfare programs, aid to families with dependent children, and CETA, more young people will be coming to the attention of already overburdened local police departments and crowded juvenile courts.

Leaving aside for the moment the turf and funding questions, I ask that the Congress consider what NCCD believes are the three fundamental functions that the Federal program should continue to address:

- 1 To assure that the States and local jurisdictions move toward and maintain a juvenile justice system which provides for at least minimum compliance with recognized constitutional and legislative standards of due process and treatment,

- 2 To assist States and local jurisdictions with the more difficult problems—particularly violent juvenile crime—that they often face without adequate planning, expertise or funding;

- 3 To encourage on the national, State and local levels interagency planning and coordination so that the problems of troubled youth might be coherently addressed by the, at times, bewildering combination of programs and agencies that need to be involved.

Without strong and long term Federal leadership, we will continue to have in this country, a national system of uneven and, at times, cruel juvenile justice. For example, although there is reasonable debate among responsible parties around any complete set of juvenile justice standards, there is fortunately much consensus among LEAA's National Advisory Commission on Criminal Justice Standards and Goals, LEAA's Standards and goals project, the National Advisory Committee to OJJDP, the IJA ABA standards, as well as the 1974 act itself. All call for an end to using jails for juvenile offenders.

Mr Chairman, your home State of Pennsylvania, using OJJDP monies and with the cooperation of the Pennsylvania juvenile court judges, has developed a statewide system of detention services which prohibits the use of jails for young people. Unfortunately, without continued Federal leadership, Pennsylvania's experience might become an isolated example rather than the model it deserves to be. In many other States, whether a minor is held in jail, in a detention center, or in some other program currently depends almost exclusively on the whims of local policies and practices.

If the juvenile justice and delinquency prevention program goes into a general block grant program, what national oversight will be established on the jailing of youth as well as other important national youth issues? Are we content to allow the current situation to exist where juvenile suicides in local jails occur at eight times the rate they do in detention centers? Where the majority of youngsters age 17 and under remanded to criminal courts are imprisoned for property—not violent—crimes? Where a disproportionate number of minorities are locked up?

In addition to establishing and helping to implement minimum standards for the juvenile justice system, the Federal role need to be maintained, if not strengthened, regarding the most pressing juvenile delinquency problem violent and repetitive juvenile crime.

Although relatively few in number, because of the nature of their offenses, these offenders capture media and public attention. The Federal Government should continue its responsibility to conduct demonstration programs, and sponsor legitimate research and training specifically designed to help local jurisdictions cope with this problem.

It has long been NCCD's position that the resources of the juvenile justice system should be targeted to programs and approaches that deal with the most serious offenders. This is why the need initiated the campaign to eliminate nondelinquents from juvenile court jurisdiction.

A generic block grant program will, we fear, neglect the problem of the serious offender and unwittingly encourage local jurisdictions to transfer even more young people into the adult correctional system where they will be physical and emotional fodder. Literally candidates for homosexual rape in a system in which violence and cruelty are too often the norm. The loss of OJJDP, we fear, will mean the loss of Federal leadership against excessive use of institutions for children especially minorities and the poor.

Finally, we believe that the Federal Government needs to continue to encourage at every level of government a stronger system of interagency coordination and planning. Without continued Federal pressure, competition between agencies and jurisdictions will only undercut our chances of combating juvenile crime.

Since 1971, it has been NCCD's belief that the Office of Juvenile Justice and Delinquency Prevention has attempted to address these three topics. It has devoted substantial resources and attention to developing consensus on national standards. Thru its formula grant, special emphasis, technical assistance and research programs, the Office has attempted to help local jurisdictions comply with the Federal legislation. And although somewhat hampered by the fact that in its brief history, the Office has had five different Administrators, it has attempted of late to address the problem of interagency coordination and planning.

From one point of view, Government is in perpetual reorganization. If the administration and the Congress are committed to the abolition of the Office, which the last session of Congress strengthened, we urge this committee to ask these essential questions:

How will the block grant program in a mega-agency like health and human services address the concerns we have raised in our testimony? Will each local jurisdiction return to establishing its own juvenile justice norms and practices removed from any consideration of national standards? Who will be responsible for developing, testing, and implementing new approaches? For training? Traditionally, most reforms in corrections originate in the juvenile justice system, e.g., probation, pre-release, group homes.

What specifically is the language of the Health and Human Services bill or appropriation bill which would target block grant funds for juvenile justice? And at what level of funding? Are we to get a \$100 million leadership program which has had successes and some failures in an era when our citizenry is alarmed at crime—especially youth crime?

Is the abolition for abolition's sake? In terms of saving funds the entire OJJDP budget is less than the overrun on one large defense contract. The future for many of our young people and of our cities demands that these questions be asked and addressed by the Congress.

Thank you

Senator SPECTER. Mr. Woodson, would you identify yourself?

#### TESTIMONY OF ROBERT L. WOODSON, A RESIDENT FELLOW, AMERICAN ENTERPRISE INSTITUTE

Mr WOODSON I am Robert L. Woodson, a resident fellow at the American Enterprise Institute. The views I am about to express are my own and not those of the institute.

Senator Specter, I come here as a person from Philadelphia who spent many years in the child welfare system as an employee, 3 years at the second Lucerne Detention Center as a correctional officer, and directed programs in juvenile justice and community development, national programs over the last about 10 years of my life, and the last 4 years studying some positive approaches to the control and prevention of juvenile delinquency at the Institute.

I might add I am a black person who has had a proprietary interest in the control and prevention of youth crime because when I was in the ninth grade my best friend was stabbed to death on the steps of Shoemaker Junior High School and my own brother met violent death on the streets of New York. I certainly have an interest in controlling this problem. Therefore, why would I oppose this program which is supposed to control and prevent youth crime?

## OJJDP APPROPRIATIONS ARE MISSPENT

My reasons are that the coalitions of interest formed around this act from its very inception have really perpetuated a cruel hoax on the American public. They practice the bait-and-switch game in that they use statistics on urban minority young people to justify appropriations and, when that money is appropriated and spent, it is spent on organizations which do not traditionally serve those communities or constituencies.

I discovered this because I was commissioned by Congressman Rodino of the Judiciary Committee, in 1978, to evaluate this office. I did this evaluation and this report was printed by the House of Representatives. I looked at the budget and appropriations for this.

Senator SPECTER. What year was that report done?

Mr. WOODSON. 1978.

Senator SPECTER. It was printed?

Mr. WOODSON. Printed by the House of Representatives.

Senator SPECTER. At what time?

Mr. WOODSON. In August.

Senator SPECTER. If you could make a copy of that report available to the subcommittee, we would be very interested.

Mr. WOODSON. I will.

## OJJDP PROGRAMS ARE INJURIOUS

Mr. WOODSON. I would like to explain what I mean. We have responsibility to evaluate programs that are either inefficient, ineffective, or injurious. The OJJDP program has qualified on all three fronts. It has exacerbated the very problem it was designed to solve.

We heard witness after witness talk about crime without coming up with any recommendations that have been effective in controlling and preventing crime. If we look around this hearing room, we will find not many people are represented who even have access to the communities which we are talking about. People who do not belong to the communities are more or less designing programs to solve community problems.

I say OJJDP programs have exacerbated the very problem they try to solve, by arguing through these quick examples. \$500,000 was given to the New York City Transit Authority Police Department for a diversion program. They hired a lot of police officers to counsel young people.

When the number of people eligible for this program declined, the police officers arrested some kids who were guilty of some minor offenses, like leaping over the turnstiles, so they would be eligible for the program. This was discovered through an investigative report and brought to the attention of the public.

I can give you countless examples—

Senator SPECTER. Eligible for what program?

Mr. WOODSON. The diversion program. This was \$500,000 of OJJDP funds which went to the Transit Authority Police in the city of New York.

Senator SPECTER. They needed more people for the diversion program so they made those unnecessary arrests?

Mr. WOODSON. I can document that and make it available.



### INDEPENDENT COMMUNITY PROGRAMS ARE EFFECTIVE

Again, as I said, most of the funds which have been spent have been spent on the deinstitutionalization of status offenders in the name of crime prevention and delinquency prevention. As a consequence, we have ignored some very valuable resources in the local communities which have demonstrated a capacity to control some of the most violent young people in our society.

I brought along some examples of what I am talking about. These pictures appeared in a Philadelphia magazine in 1973. One of the young men, Robert Allen, at my upper right, was a warlord of one of the most violent gangs in the city of Philadelphia.

I brought along another picture showing this young man today, who attended a national conference at the American Enterprise Institute regarding constructive programs around the country where violent young gang members have been brought under control and changed their behavior. They former delinquents shared their experiences with one another and with the Institute.

### NEW PRIVATE SECTOR APPROACHES ARE NECESSARY

It is our belief that the answers to control and prevention of youth crime will not be the continuation of funding a lot of middle-class people who are service providers, who have a proprietary interest in continuation of the problem, but we must begin to inventory what are some positive approaches undertaken in neighborhoods throughout this country which have demonstrated they can change these young people pictured here.

I have studied these programs in neighborhoods throughout the country and this will be published by Ballinger Press in April.

Senator SPECTER. You are saying the private sector can deal with the problem better?

Mr WOODSON I am saying that the private sector can, but I think public policy has a responsibility, first of all, in the words of Hypocrates, "If you cannot help, then don't make the condition worse."

Senator SPECTER. You think this program is making the condition worse?

Mr WOODSON Yes, I think with the preoccupation with status offenders, removing kids who are status offenders who are 82.7 percent white youngsters, and neglecting the needs of those kids who are not violent but are delinquent who make up a large segment of the juvenile justice community, what is happening is that as a consequence of this almost missionary preoccupation removing these kids from jail, the jails are being filled then by minority youngsters. I think this fact was brought up by two studies which showed that the number of minority youngsters in jails throughout this country has increased sharply over the past few years I think this is attributable to this concentration on the one hand on status offenders and to the neglect of those programs which have demonstrated some effectiveness with the more serious offender.

### EFFECTIVE LOCAL PROGRAMS ARE IGNORED

Let me just add this. When Mr. Rector said that his organization as well as others are cooperating now in initiatives to deal with

serious offender kids, what we are doing now is this. We have George Washington University, funded to set up a program in Anacostia to deal with serious offender kids. We have the Red Cross funded to provide services to serious offender kids. We have the YMCA, and all of these groups, which are nonindigenous who do not number among their constituents minority youngsters, funded to provide service to essentially a minority condition. Ignored in this process are those positive community-based programs which have demonstrated their effectiveness in dealing with the serious offender's problems.

#### THE EFFECTIVENESS OF LOCAL INITIATIVE

When there were riots in the city of Philadelphia in August, when that city nearly erupted in riots, they did not call upon those professional organizations but called upon indigenous groups.

Senator SPECTER. Which August are you referring to?

Mr. WOODSON. I am talking about this past August in the city of Philadelphia when a police officer shot a black youngster in the head and he died, and the city nearly erupted in violence. City officials called upon indigenous leadership, and they made it possible for that city to avoid violence we saw in Miami.

We always call upon local people in times of crisis, but they are never called to hearings or to participate in policy formulation or the design of programs to address their needs.

Senator SPECTER. They are sometimes called to hearings. We have made a real effort to find people who are opposed to this program as well as those in favor of it.

Mr. WOODSON. Senator Specter, might I suggest perhaps some of these hearings can be held in communities where they live? They don't have the resources to come to Washington and present testimony. I recommended this to Senator Bayh.

#### OJJDP SEGREGATES JUVENILES BY RACE AND CLASS

Let me add another point which supports my entire conclusion that this program of the Office of Juvenile Justice is segregating kids by class and race. I reported this at Ira Schwartz' confirmation hearing, the former Administrator of OJJDP. Senator Bayh directed the Office of Juvenile Justice to investigate these allegations. Mr. Orlando Martinez, the head of youth services for the city of Denver, and Judge Sylvester White were commissioned by the Office to look into my charges.

They submitted a report in March of last year substantiating this claim. That is a matter of public record as well.

Therefore, the question is this---

Senator SPECTER. Where does that appear in the public record?

Mr. WOODSON. It was a report submitted by the Office of Juvenile Justice to Senator Bayh. I have a copy of that. I am sure the Office of Juvenile Justice has a copy.

Senator SPECTER. We will seek it out and look at it. Thank you very much, Mr. Woodson.

Mr. Demuro, would you like to make a comment?

## MR. DEMURO'S RESPONSE TO THE WOODSON TESTIMONY

Mr. DEMURO. Senator, I am happy to be here.

Without turning this into a Philadelphia debate, I will claim some knowledge of that city by birth and growth, and would only counter some of Mr. Woodson's remarks, most of which I agree with, by asking him to inventory the kinds of programs which indeed closed the Second Lucerne Facility he talked about and a variety of community groups which were funded by OJJDP.

One of them I will mention, North City Congress, used money appropriated by OJJDP to close a very brutal prison in our State, Camp Hill, which was essentially one of those eyesores that the judge's compliance issues talked to when we were commingling adults and juveniles.

There have been many problems with OJJDP funding. There needs to be more community involvement, but specifically I do not think we should throw it away.

There are three points I want to make. One, there is a need for a Federal role to target in on those problems, as the man from Atlanta said, that local communities are having difficulty with, violence being the major one of those.

Two, there is a need to continue, as the judge said, an effort for equalization around compliance issues.

Working for Mr. Rector for the last 2 years, I have had the misfortune or fortune to be at a number of detention centers in the country. There is much unequal justice. In Ohio, for example—it is a shame Senator Metzenbaum is not here—whether a youngster winds up in a detention center, a jail, or foster home for running away depends on which county on Route 71 she falls off on as she hitchhikes from Cleveland to Cincinnati. That is unequal justice, and we don't need to stand for it, nor should we stand for it. The Office has attempted through its standards and goals projects to address that.

Three, we need a continued effort forcing interagency cooperation, forcing what Mr. Woodson is talking here about, opening up the process to minority and local people to be involved with the funding and identifying with the program.

Finally, without trying to look like it is advertisement for NCCD or OJJDP, the Office is about to announce an initiative for the violent offender. Let me explain this to you as briefly as I can.

Senator SPECTER. Would you please? We are running over.

Mr. DEMURO. In September we will call in the 50 highest crime cities in the country and offer them funding to work with community groups to deal with the problems of both public safety and reintegrating the violent offender in communities.

How in the name of God in midstream, as the judge said is this initiative going to have any impact of success if we have such a rocky boat, whether it will be funded for 18 months or 20 months? Better to make some kind of decision soon than to whirl up anticipation on this problem, particularly when there is violent crime out in the streets.

Senator SPECTER. Thank you very much, Mr. Demuro.

Proceed, Mr. Rector.

Mr. RECTOR. Senator, thank you.

The critical issue we want to address is that of budget. We were privy to the bipartisan beginning of OJJDP and there was a lot of support for its going into the Department of HEW at that time.

HEW from a long tradition really did not want the program. Now, with a discussion of block grant, our staff in our Washington office has been visiting around the departments. We are concerned that with this discussion of a possible block grant, including juvenile justice in the Department of Human Services, that there seems to be no provision for budget, for money, or for guidelines for the program.

I urge that this committee, if that decision has to be made, that OJJDP goes down the tube and out of Justice, that this committee serve as oversight to see that it really does get written in and earmarked in whatever comes out in the Department of Human Services budget.

Senator SPECTER. Thank you very much.

Judge Bacon, Mr. Rector, Mr. Woodson, Mr. Demuro, we appreciate your testimony here today.

[Mr Woodson's testimony was subsequently submitted and is as follows:]

#### THE JUSTICE DEPARTMENT'S FIGHT AGAINST YOUTH CRIME: A REVIEW OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION OF LEAA

##### 1. EXECUTIVE SUMMARY AND CONCLUSION

The purpose of this report on the Justice Department's fight against youth crime prepared for the House Judiciary Committee, Subcommittee on Crime, was to examine the Office of Juvenile Justice Delinquency Prevention, its objectives and programs for carrying out those objectives, and to assess the extent to which Congressional intent is being met. The legislative mandate to OJJDP is to protect the rights and well being of youth and to protect American citizens from juvenile delinquent and criminal acts with programs which control and prevent juvenile delinquency and crime.

This study was conducted with a methodology which involved: (1) review of the legislative history of the Office of Juvenile Justice and Delinquency Prevention, (2) examination of recent and current OJJDP program initiatives, (3) review of indigenous programs which are demonstrating the capacity to control and prevent violent youth crime, and (4) analysis of the flow of OJJDP funds to grantees and contractors and categorization of those grantees and contractors in terms of the seriousness of youth delinquency and crime targeted by these programs.

Tracking the flow of money tells the truest story. Impetus for the OJJDP legislation and policy pronouncements both focus on serious youth crime, yet the funding pattern reveals that the majority of OJJDP money goes to the less serious juvenile delinquent populations in the country.

The analysis of OJJDP funding of program operations and research reveals that the most severe and most difficult youth crime problems occur at one end of the problem program continuum while juvenile justice system program and research efforts are being concentrated at the opposite end.

A review of the OJJDP budget for fiscal year 1978 and the flow of these expenditures to research and technical assistance grants and contracts reveal an overall OJJDP emphasis on advocacy, diversion and deinstitutionalization—strategies which do not approach the more deep-rooted problems of the most serious youth crime. Additionally, while greater percentages of low-income whites and minor youngsters are defined in higher at risk populations, the most popularly funded OJJDP programs are those which actually give little or no attention to the needs of these youngsters.

There are communities in the country in which violent youth have been reached with the result that they have put down the gun and are engaging in positive activities in the service of their own communities. For the most part, these activities

\*The term "at risk" refers to youngsters living in areas of the country characterized by high crime severity, unemployment, social and economic decline, where youngsters run a greater risk of getting into trouble.

are informal, unstructured, and have not been analyzed by the federal government to determine how they work.

In Fiscal Year 1978, OJJDP appropriations were \$100 million, to be divided among the three major divisions: \$65 million going to the states in formula grants, \$10 million to research, and \$25 million to special emphasis projects. Special emphasis had an additional \$43 million in carryover funds reverted from unexpended formula grant monies. Initially, special emphasis funds were slated for new and innovative approaches to the youth crime fight. These programs were to support the positive functioning of major social institutions, youth and their families. It was acknowledged by OJJDP policy makers that the control and prevention of youth crime could not be achieved without involvement of youth, parents, and community forces. The flow of these grants reveals basic inconsistencies between the policy pronouncements and program activities of the federal agency. For example, in too many cases, direct service grants went to states with relatively small numbers of youth in need of the services while the larger states with higher concentrations of juveniles in trouble received limited grants.

Illustrative of the above practice, in the state of Washington as of July 1, 1977, there were 430,000 juveniles ages 14-19. The state received a total of \$4,652,286 (an amount which far exceeds their formula grant allotment) from the formula grant office to enable them to carry out the separation and de-institutionalization of status offenders. By contrast, the state of Pennsylvania with a youth population between 14 years of more than 4,319,000 received a total of \$444,629 in direct service grants. More ironically, an advocacy grant of \$1,181,811 was awarded the Juvenile Justice Law Center in Philadelphia. One of the groups' tasks is to "visit and inspect various juvenile correction and detention facilities to ensure that youth are being properly cared for." In effect, Pennsylvania got more money to research effects of juvenile justice anticrime programs than it got to actually combat its youth crime problems.

OJJDP's program emphasis on the de-institutionalization of status offenders, although needed, has been overemphasized to the detriment of the more serious violent youth crime problem areas and, in effect, fails to adequately address the fundamental Congressional intent to reduce those forms of youth crime most threatening to the American public.

With regard to formula grants to states, we found a disturbing pattern of unexpended appropriations in this area. During the 3-year period from 1975 to 1977, a total of \$76.8 million was awarded to the states in formula grants. Only \$12.9 million was expended during this entire period with the balance of \$63.9 million or 83 percent of the total formula grant funds left unexpended for the youth crime fight. A more recent report indicates from 1975 until November 1978, a total of \$181 million was given to the states with \$37 million expended, leaving a balance of \$144 million in banks.

This problem raises serious questions about the efficacy of continuing to institute national initiatives where by program priorities are established in Washington and imposed on states which desire to apply for OJJDP funds. This practice of the centralized authority designing solutions to fit local jurisdictions has led to misplaced priorities and misguided funding in the juvenile delinquency program. Further, the practice of diverting funds away from the special emphasis initiative areas and using them to further subsidize the state juvenile justice bureaucracies subverts the original purpose of the special emphasis office and results in merely expanding the criminal justice bureaucracy and supporting non-indigenous youth-serving agencies which largely serve the non high-risk youth population.

Finally, the bleakest fact revealed by demographic research is that although crime rates in the larger population are predicted to slowly abate over the next decade due to a decline in the birth rate of the "at-risk" population, birth rates for minority youngsters between the ages of 15 and 17 will decrease much more slowly and for black males between the ages of 18 and 20 rates will actually increase. The implications of this finding are that a greater concentration of minority youth will be in the "at-risk" population with the potential result that a disproportionately larger number of minority youth will be handled by juvenile and adult correctional facilities.

#### CONCLUSIONS

The threatening consequences of current OJJDP program emphases as indicated by program initiatives and funding patterns is that the juvenile justice system is evolving in a manner which will virtually close out minority youth and force them into the adult corrections system, denying the protection of their rights and well-being. While this trend is emerging, there are reports of indigenous efforts which are finding answers to the problems of the more serious youth offenders. However,

the community based organizations which best serve these youth are not understood or a part of the OJJDP constituency for receiving priority policy attention and funding. The Congress and the public it represents expect OJJDP programs to impact on these more serious youth populations and when they fail to do so, the conclusion is easily reached that these youth are beyond help as juveniles and should be treated as adults with more punitive corrective approaches all of which violate their rights as children and youth.

The more unfortunate long term consequences of all this is that LEAA is actually aiding the demise of the poor and minority youngsters in this nation and providing little relief to those who suffer as victims of youth crime.

The segment of the troubled youth population presenting the greatest crime threat received very little priority attention from the Office of Juvenile Justice Delinquency Prevention. In addition to this apparent abandonment by the federal agency of this population, the emerging trend of growing separation of youth by race and class in the juvenile justice system is most disturbing. In effect, these policies and programs are evolving into two separate juvenile justice systems. One for the white middle income youngsters and one for the minority and lower income youngsters.

OJJDP's missionary preoccupation with the deinstitutionalization of status offenders fails to answer the need for policy leadership in the coordination of federal resources that is mandated by the Congress under the provisions of the Juvenile Justice Act. Deinstitutionalization, while important and should be continued, should not be carried out at the cost of other issues of equal importance, such as direct aid to those communities experiencing the most severe crime problems. There is a need for a more comprehensive approach to delinquency prevention in which attention is given to the development of local indigenous leadership at the neighborhood level, instead of strict reliance upon expansion of the academic and criminal justice system's complexes. In order for this to take place, the present OJJDP staffing pattern must be changed to include individuals with a broader knowledge and experience of the population-at-risk.

## II A REVIEW OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Prepared for the Subcommittee on Crime, U.S. House of Representatives,  
November 1978)

The more recent and current Federal juvenile justice programs have developed from legislation with the Congressional intent of responding to the concern of the American public to the growing tide of youth crime, particularly violent crime, and to ensure the protection of the rights and well being of youth served by the juvenile justice system.

While it was the intent of the Congress through the juvenile justice legislation to address the youth crime problem directly and come up with solutions which help this population of youth and protect American citizens, the LEAA strategies for implementing this intent fall far short of legislative objectives. A review of the legislative history together with an assessment of the program initiatives that were undertaken by the Office of Juvenile Justice support this conclusion. In fact, the manner in which the programs are being designed and implemented portend grievous consequences if steps are not taken to redirect program trends.

In summary, the data reveal that the most severe and most difficult youth crime problems occur at one end of the problem continuum while juvenile justice system programs and research efforts are being concentrated at the opposite end. While the Congress has charged OJJDP with responsibility to coordinate the various federal agencies that address youth issues, concentration of federal effort, these programs that expend over \$12 billion dollars annually, continue to be fragmented, as little attention has been given to this mandate.

While greater percentages of minority youngsters are defined in higher at-risk populations, the most popularly funded OJJDP programs are those which give little or no attention to the needs of these youth. The overall OJJDP emphasis appears to be on advocacy, diversion and deinstitutionalization strategies which do not approach the more deep-rooted problems of the most serious youth crime. In effect, these policies and programs are evolving into two separate juvenile justice systems. One for the white middle income youngsters and one for the minority and lower-income youngsters.

The threatening consequences of these trends suggest the federally funded programs to combat juvenile crime are perpetuating class and racial segregation and

<sup>1</sup> See Appendix A



supplying few resources to the greater at risk youth populations. Indigenous organizations which have demonstrated some capacity to change these youth are not the recipients of funds and technical assistance nor are they the object of research. Rather, the result of this approach to dealing with this population is either (1) Indifference and continued support of law enforcement and court systems which merely process the in and out movement of a small percentage of youth who eventually become "hard core," or (2) Punitive incarceration of youth once individual criminal acts or records of crime become severe threats to society. The states of California, Illinois and New York, for example, recently passed laws lowering the jurisdictional age limit that makes it possible for 14-year-olds charged with serious crimes to be tried in an adult court and subject to more severe sanctions. The unfortunate long term consequences of all this is that LEAA is actually piloting the demise of the poor and minority youngsters in this nation, while providing little actual relief to those whose suffer as victims of youth crime.

It is estimated that within the next year, the Office of Juvenile Justice and Delinquency Prevention will spend nearly \$143 million—more money in the fight on youth crime than in any previous year dating back to 1961. While it is recognized that the Federal government only spends a fraction of the money expended by local units of government in this area, local units look to the Federal government for leadership and policy direction on youth crime control and prevention. What goes on in Washington does and can make a difference!

#### PRINCIPLES GUIDING OJJDP'S YOUTH CRIME CONTROL AND PREVENTION STRATEGIES

There are several ways to approach the control and prevention of youth crime. One is to take a hard line as in recent proposals being advanced that would increase criminal penalties. In tandem with this is the call for the lowering of the jurisdictional age limit which would bring youths accused of committing more serious offenses more severe sentences in adult institutions. An attractive alternative approach is to influence the process by which youth acquire a legitimate identity and a stake in respect for law by improving services provided by indigenous organizations and community institutions and to develop programs which provide for youth involvement in program planning, organization and execution. From all policy statements and other forms of literature, it appears that OJJDP has chosen the latter alternative as a basic framework for guiding its juvenile delinquency prevention efforts.

To implement this concept, OJJDP has undertaken several national initiatives geared to carry out the Congressional mandates. Those initiatives were:

- (1) To decriminalize status offenses;
- (2) To prevent delinquency;
- (3) To divert juveniles from the traditional justice system;
- (4) To provide alternatives to institutionalization;
- (5) To increase the capacity of the states and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention programs;
- (6) To improve juvenile justice and services through advocacy programs, and
- (7) To duplicate project New Pride located in Denver, Colorado.

Presently there are no plans to significantly address the problems of the more serious offender population despite the fact that OJJDP has a Congressional mandate to control and prevent youth crime. Plans were initially developed but subsequently cancelled which would have aimed at the following:

- (1) To reduce serious crime through rehabilitation programs for serious juvenile offenders;
- (2) To prevent delinquency by improving neighborhoods and their services, and
- (3) To reduce serious crime committed by juvenile gangs.

My attempt here is to assess the manner in which these OJJDP initiatives are being implemented in the context of the most serious aspects of youth crime problem, which is the growing incidence of violent crime. Researcher Frank Zimring,<sup>2</sup> in a recent report for the Twentieth Century Fund, makes some observations about the nature of youth crime in America that are relevant to the message of this report:

(1) Youth crime has increased dramatically over the past fifteen years, in part because of the growth of the youth population in large urban areas that have been incubators of crime.

(2) Most youth crime is not violent, property offenses outnumber violent offenses ten to one; yet violent crime by the young has increased.

<sup>2</sup> Franklin E. Zimring, *Confronting Youth Crime*, The Twentieth Century Fund Task Force report on Sentencing Policy Toward Youth Offenders, Holmes and Meir Publishers, Inc.

(3) Males between the ages of thirteen and twenty comprise 9 percent of the population but account for more than half of all property crime arrests and more than a third of all offenses involving violence

(4) Most violent crime by the young is committed against youth victims, about 10 percent of all robbery by young offenders involves elderly victims

(5) Most young offenders who commit acts of extreme violence and pursue criminal careers come from minority ghetto and poverty backgrounds, so do their victims.

Another researcher, Dr. Marvin Wolfgang in his landmark study of violent crime and the birth cohort found that for the total birth cohort of 9,946 boys studied in the City of Philadelphia, over half of the black youngsters born in the same year were delinquent, as compared with 28.64 percent of white youngsters. Only 6.4 percent of the entire cohort accounted for over half of all the delinquencies.<sup>3</sup>

Dr. Wolfgang concluded that violent offenses and serious property crimes should be the focus of any deterrence or prevention programs. He also observed that most of the other forms of delinquency are relatively trivial. Dr. Wolfgang further recommended that the pivotal point for social cost reduction appears to be at the time of the juvenile's first offense.<sup>4</sup> He also found that more non-whites go on after the first offense to more offenses, and suggested that perhaps the major concern should be with this racial group.

Reasons and Kaplan depict victims and perpetrator profiles. On any day in California in 1970, one out of eight black men between twenty and twenty-four years of age was in prison, in jail, or on probation, compared to one of thirty whites. Extrapolation suggests that, during a one-year period, one of four black men in his early twenties spends some time in prison or jail or on probation or parole compared with one of fifteen whites.<sup>5</sup>

A report of the Philadelphia Department of Health indicated that the leading cause of death in that city for black males between the ages of 15 and 19 was homicide.<sup>6</sup> (See attached Figure 1)

These and similar findings do not seem to be seriously considered and included in agency policy development or program strategies to reduce the incidents of most serious juvenile crime.

In a recent report which summarized the findings of seven research studies on the serious juvenile offenders, it was concluded that the one consistent feature of serious offender populations was their composition—from inner city areas, and disproportionately minority group youths.<sup>6</sup>

A quote from a former OJJDP official best describes the situation.

"Historically, as well as currently, the greatest incidence of crime and delinquency is in urban areas characterized by the problems of social disorganization. . . . In contrast to needs related to these problems, private, not-for-profit youth serving agencies tend to locate services in middle income and affluent communities. The exclusion of support of those institutions and agencies from which the serious offender population derives a sense of self worth can have some serious consequences.

Clearly there is a preponderance of data on the true nature of juvenile problems along with expert opinion which suggests program priorities and where major expenditures ought to be allocated. Yet, this professional advice does not appear to be heeded by juvenile justice decision-maker currently in Washington.

Furthermore, juvenile justice officials themselves in conference-planning sessions repeatedly give lip service to the need for a national assault on the more serious juvenile problems by utilizing youth and community development strategies and by supporting indigenous, community-based efforts.

In 1973, a conference held at Portland State University brought together experts in the field of juvenile justice. The consensus among those assembled was that if long-term impact on delinquency rates is to be realized, forces within the community have to be catalyzed for positive results to occur. OJJDP officials attending that conference stated that their program guidelines would reflect this thinking in recognition of the need to (1) influence the process by which youth acquire a legitimate identity and respect for the law, (2) improve the services provided by neighborhood and community institutions, and (3) recognize that funds can most effectively be used for programs which support more positive functioning of the youth and their families.

<sup>3</sup> Marvin F. Wolfgang, University of Pennsylvania, Youth and Violence, HEW Report, 1970.

<sup>4</sup> E. Reasons, R. L. Kaplan, Some Functions of Prisons, Crime and Delinquency, October 1975, p. 370.

<sup>5</sup> Philadelphia Inquirer, David Milne, 1973.

<sup>6</sup> Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Proceedings of a National Symposium, September 19 and 20, 1977, Minnesota.

<sup>7</sup> Milton Lugar, former OJJDP Administrator, July 1976 memoranda.

## MISGUIDED PRIORITIES AND DISTRIBUTION OF FUNDS

We would assume that in view of the fact that the most serious aspects of juvenile crime are well defined that the Federal juveniles justice agency would undertake initiatives to address the needs of the larger society. This most recent review of the program initiatives undertaken by the Federal agency responsible for combatting youth crime indicates that the segment of the youth population perpetuating the greatest crime threat and those communities most afflicted by predatory crime received very little attention from the Office of Juvenile Justice and Delinquency Prevention. This review of the OJJDP's funding pattern reveals most of the funds were spent on the de-institutionalization of status offenders, prevention and diversion of less serious offenders from the juvenile justice system. In addition, millions of dollars are being allocated to the juvenile courts for a restitution program. Restitution approaches seen as the innovative answer to serious crime are also falling short of their earlier expectations primarily because: (a) The programs are being operated by many traditional agencies failing to provide effective programs for most serious offenders, (b) Victim compensation, a major attraction of the concept, is minimal, and (c) Indigenous youth-help organizations are not being fully utilized. (d) The largest share of the 15 million dollars going to support the restitution program will be used for criminal justice personnel and equipment with only a small portion going into the hands of victims.

The problem was appropriately described by Michael E. Smith, Director of the Vera Institute before the Senate Subcommittee to Investigate Juvenile Delinquency in April 1987:

"As we approach the day when the 'virgins and boy scouts' have been leveraged out of incarceration into community-based treatment programs, we may be left with a small but very visible institutional population of chronic offenders for whom there are no realistic and well-designed community-based treatment alternatives."

In another study commissioned by OJJDP (1975), Zimring makes the point that overall youth crime rates will slowly abate over the next few years due to a decline in the number of births in the "at-risk" population. However, birthrates for minority youngsters between the ages of 15 and 17, will decrease lightly (2 percent). Young urban black males between the ages of 18 and 20 will increase 8 percent, while the percentage of decrease will be substantial for white urban youth.

The implications of the Zimring findings paints a bleak scary picture for the plight of the black urban youth. Zimring concludes "... if all this occurs, the institutions dealing with youth crime -- juvenile and adult courts and correctional facilities will experience a greater concentration of minority population".

The Budget Analysis which follows in the next section reveals that the concentration of Federal efforts are going to incorrect approaches to the control and prevention of delinquency where the problems are the most serious.

## III BUDGET REVIEW - JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM

A review of the formula grant program, and the direction of current Fiscal Year 1978 discretionary fund expenditures paints a picture of a near-missionary preoccupation with deinstitutionalization issues and with direct service grants directed to non-urban, low crime areas of the country. Research and technical assistance grants and contracts amendments have nearly replaced the competitive bidding process and unsolicited grants are awarded to a limited number of individuals and groups. The new restitution initiative, while laudatory in principle, invested most of the money in the expansion of criminal justice bureaucracies.

On the surface, it appears that there are funds under the special emphasis division for innovation and funding of indigenous community-based programs which have demonstrated the capability to control and prevent serious youth crime. However, administrative juggling of these monies results in a subversion of the innovative intent of the special emphasis initiative. In effect, what has been happening is special emphasis monies are reprogrammed to the state formula mechanism with the stipulation that the funds be used for deinstitutionalization of status offenders. Ironically this reprogramming is occurring while the majority of state formula funds are lying unexpended because of the numerous restrictions from Washington on the states as to how those monies can be spent. The following breakdown of Fiscal Year 1978 monies is illustrative.

In Fiscal Year 1978, OJJDP appropriations were \$100 million to be divided among the three major divisions, \$65 million going to the states in formula grants, \$10 million to research, and \$25 million to special emphasis. The latter, special empha-

\*Franklin E. Zimring "Dealing with Youth Crime, National Needs and Priorities, Office of Juvenile Justice (LEAA), 1975

sis division, had additional \$13 million in carryover funds and there were other formula grant monies available for special emphasis purposes.

More than thirty million of the special emphasis monies was reprogrammed with \$10 million being given to the states as supplementary funding with the provisions that the funds be used for the deinstitutionalization of status offenders.<sup>9</sup> The remaining \$20 million plus was transferred to the formula grants unit where the money was used to fund both state and private agencies to deinstitutionalize status offenders, and to support advocacy groups. Service to status offenders while important, does not address the problems of those who commit the more serious offenses which are considered violations of the adult criminal codes. Special emphasis programs are being funded out of the formula grants office with some interesting results. In some cases these direct service grants went to states with relatively small numbers of children in need of the service.

The larger more heavily populated states with higher concentrations of juveniles received limited numbers of direct service grants as the following example will demonstrate. In the state of Washington as of July 1, 1977, juveniles within the age group of 14 to 19 numbered 430,000, yet the state of Washington received a total of \$4,652,286 (an amount that far exceeds their formula grant allotment) from the formula grant office to enable them to carry out the separation and deinstitutionalization of status offenders. By contrast, the state of Pennsylvania with a youth population of over 1,319,000 received a total of \$441,629 in direct service grants.<sup>10</sup> (\$24,629 to Catholic charities in Wilkes Barre, Pennsylvania and \$420,000 to the Philadelphia City Manager's Office). More ironically, an advocacy grant of \$1,181,811 was awarded the Juvenile Justice Law Center in Philadelphia. One of its activities is to visit and inspect various juvenile correction and detention facilities to ensure that youth are being properly cared for.

The state of Illinois is another example of how the grant program avoided heavily populated areas. The cities of Moline, Kankakee and Rock Island, Illinois, were given direct service grants of \$100,000 each. None was given to the city of Chicago.

It is my sincere belief that OJJDP's preoccupation with the deinstitutionalization of status offenders diverts resources from what should be the principal goal. To explore creative programs that will offer young people better alternatives than a life of crime. The special-emphasis office was to carry out the Congress's intent to explore new approaches to control and reduction of youth crime. Unfortunately, for youth in this nation, this effort is being abandoned.

#### *Re. Formula grants*

Under Section 221 of the Juvenile Justice and Delinquency Prevention Act the administrator is authorized to make grants to states and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through contracts with public and private agencies for the development of more effective delinquency prevention programs and for the improvement of the Juvenile Justice System. Funds are to be allocated annually among states on the basis of relative population under the age of 18. The administrative office of OJJDP is responsible for interpreting these guidelines and passing judgments as to the acceptability of each state's plan. If, for instance, the OJJDP central decides that the deinstitutionalization of status offenders is an appropriate priority, then guidelines will be issued that will reflect this decision. The state plan will then be assessed against this priority. This practice has resulted in millions of dollars of formula grant funds standing idle in various banks through the country as the attached table illustrates. (See JJDP Formula Grant Flow Three-Year Review—Appendix C).

During the three-year period from 1975 through 1977, a total of 76.8 million dollars was awarded to the states in formula grants. Only 12.9 million dollars was expended during this entire period, with the balance of \$63.9 or 83 percent of the total formula grant funds left unspent for the fight on youth crime.

There are serious questions about the efficacy of continuing the process of instituting national initiatives in Washington. This process assumes that answers to problems exist in Washington and that the task is to disseminate program priorities to the states or local non profit institutions. This practice of the centralized authority designing solutions to fit local jurisdictions has led to waste and inefficiency in the administration of juvenile delinquency prevention funds, and a situation in which only the American banking system benefits.

<sup>9</sup>Status offenses are non-criminal acts committed by children such as truancy, unruliness, or stubbornness. Children are often charged with offenses that would not be considered crimes if they were adults.

<sup>10</sup>Programs which provide direct human services to youngsters, such as counseling, education etc.

Special emphasis was to be the funding category in which new and innovative approaches to the crime fight were to take place. In past years, the announced strategies were to influence the process by which youth acquire a legitimate identity. Programs were to be funded that would support the more positive functioning of social institutions, youth and their families. It was acknowledged that the control and prevention of youth crime could not be achieved without involvement of youth, parents, and community forces. This strategy seems all but abandoned as the current OJJDP administration places its emphasis on expanding the criminal justice bureaucracy, and supporting non-indigenous youth-serving agencies to non-high risk youth populations. One serious consequence of continuing to balloon the bureaucracy is that those working in the criminal justice system are accountable to their organizations and their career objectives, and often feel less accountable to the youth they serve and the communities in which the youth reside. Figures from Portland, Oregon point out the vulnerability of the program to this phenomenon, when strict reliance upon the criminal justice bureaucracy is the primary determinant of the youngsters participating in the diversion program.

### COURT REFERRALS TO YOUTH SERVICE CENTERS DECLINE IN FACE OF PROPOSITION IV

YSC	1976-77		1977-78		Decrease/increase	
	Number	Percent	Number	Percent	Number	Percent
SW	160	16	159	19	-1	-1
NP	209	21	136	16	-73	-35
SE	272	27	240	28	-32	-12
NE	368	36	323	38	-45	-12
Total	1,009	100	858	100	-151	-15

Note: YSC - Youth Service Center a city funded diversion program. SW - Southwest Portland, highest proportion of wealthy white population. NP - North Portland, high proportion of poor and nonwhite. SE - Southeast Portland, high proportion of white, working class. NE - Northeast Portland, highest proportion of poor, nonwhite population.

Source: Office of the Mayor, the City of Portland, Oregon, regarding court referrals to Youth Service Centers, dated October 5, 1978.

In the city of Portland, there are four youth division programs serving four different geographic areas of that city. The southwest has the highest population proportion of wealthy whites. The northeast section of Portland contains the highest proportion of low income non-whites. Southeast has the highest proportion of white working class people. The Northern section has the highest proportion of poor, non-white population.

In the wake of Proposition IV (Portland's tax cut bill), court referrals to the programs realized a sharp decline of 15 percent overall. However, as the chart shows, there is a disparity between the dropoff of referrals from the Southwest section, populated by middle and upper-income whites, (-1 percent), compared to a 35 percent decline in referrals from the other parts of the city. This dropoff occurred with little or no decline in the incidence of offenses that result in a referral. This supports the conclusion that the bureaucracy was not responding to the real needs of the populations served by these programs.

The Portland experience raises the same questions about other similarly run programs in states facing tax cut legislation.

The restitution initiative also appears to be contributing more to ballooning the bureaucracy than directly serving troubled youth and the communities within which these youth reside. The OJJDP developed a program through which juveniles to delinquent offenses made restitution to their victims. In Fiscal Year 1978, 15 million dollars of special emphasis funds were directed to this effort. This initiative like the other OJJDP programs is perpetuating the expansion of the criminal justice bureaucracy. The lion's share of the 15 million obligated to support this initiative has gone to professional salaries, staff travel, equipment and supplies with a small percentage of the money getting into the hands of the youth through restitution-related work projects or to victims. Some examples of how the restitution initiative monies are allocated substantiate this observation.

The Geauga County Court, located in Chardon, Ohio, population 67,000 received a grant of \$749,542 of \$832,824 total cost of the project. This program is to provide the restitution services of 322 adjudicated youth in a two-year period. The youths are to receive direct monetary payment through supported community service work. These youth in turn are to then make restitution to victims of crime.

A review of the budget indicates that the total personnel cost for the two-year period is \$610,955; travel, equipment and supplies amounts of \$124,537; overhead



\$56,695, leaving a balance of \$74,100, to be used to pay youngsters, or 8 percent of the total project cost. Out of this amount, victims are to receive compensation.

In Ventura, a California County with a population of 13,000 received a grant \$859,181 of a \$904,48 total project cost for a 24-month period to serve 890 juvenile offenders. Of the total project cost, \$539,357 is being spent in personnel, \$82,484 on travel, equipment and supplies. Another \$55,985 goes for overhead, leaving a balance of \$206,622 that will be going to the youths participating in the program and their victims.

There are two troublesome issues inherent in this practice. One is the fact that so much of the restitution money goes to administration on the programs. The other is the apparent inequitable distribution of these monies whereby small communities with few high risk populations are securing larger allocations than the larger communities where there exists much greater concentration of high risk youth and criminal offenses.

#### IV. SUMMARY PROFILE OF POSITIVE INDIGENOUS PROGRAMS THAT HAVE DEMONSTRATED SOME CAPACITY TO SUCCESSFULLY CONTROL AND PREVENT YOUTH CRIME BY NONCOERCIVE MEANS

There are some communities throughout the country in which violent youth have been reached, with the result that they have put down the gun and are engaging in positive activities in the service of peace and respect for life their own and others. For the most part, however, these activities are informal, unstructured, and have not been analyzed in order to determine how they work.

Over the past ten years, and now in the American Enterprise Institute's Mediating Structures Project, this author has monitored the activities in cities throughout the country where community members themselves have used their own resources to deal with the problems of youth crime. In many of these cities, there are organizations and people working closely with youth which have had a very positive impact on them, and have turned some of these young people around to the point that they are now protecting their own communities.

One such program is the House of Umoja in Philadelphia, where the efforts of a family with unorthodox ideas and no formal training in social work have actually inspired a "climate of peace" in the city's gang ridden areas. Umoja is the spiritual creation of a woman named Falaka Fattah and her husband, David, who in 1969 invited fifteen boys, members of Philadelphia's Clymer Street gang, to come live with them. The youth gang problem was so acute at the time that the media dubbed 1969 "the year of the gun."

One of Sister Falaka's six sons was a fringe member of a gang, intensifying the family's concern about youth and the gang problem. Fifteen members of the gang with which their son was affiliated were invited to come to live with the Fattahs. Sister Falaka reveals that the only commitment they made to the young people was to help them to stay alive and to keep them out of jail.

The youths were encouraged by Sister Falaka to organize along the lines of the African extended family, a concept which she feels gives them the same emotional and material security as the street gang. They meet early each morning to discuss work assignments, problems of the day, and often help each other by "role playing" in preparation for outside activities, such as acting out job interviews.

Despite the shoestring nature of its operation, Umoja survived and "attracted" other street youths looking for shelter. As houses on the block became vacant, they moved into them and attempted to refurbish them with what meager resources they could earn. Umoja now own twenty small rowhouses in what is still a rundown neighborhood, they are being made as attractive as they can be with bright paint and care.

As the family extended—some three hundred boys from seventy-three different gangs have been sheltered—so did the concept. Sister Falaka and David Fattah, and the House of Umoja have held youth conferences and meetings with gang members to spread the idea of "Imani" (Faith) pacts for peace. "Life-a-thons" have been held on local radio stations to encourage gang members to pledge peace and end warfare and killing.

In 1972, a conference was held attended by more than seven hundred gang members. Many signed Imani pacts promising they would not fight others. A United Nations-kind of council was organized to deal with gang differences and to channel employment opportunities.

Thirty young men now live at Umoja and 270 are served each day. The climate of peace has been extended to the point where the Philadelphia area, with an average of forty-two gang deaths per year when the program began, had only seven last year. The diminished death rate continued to one in 1977 and a single gang death in



1978 Police statistics recently report youth crime is down from 27.6 percent to 24.3 percent, a first in that city's history.

Umoja is by no means the only such program dealing directly with the needs of troubled youngsters. Other activities are being undertaken by local community residents to reach out to these young people and to minister to their needs, as opposed to demanding compliant behavior with threats and coercion.

On the island of Puerto Rico, the Community Service Center of Ponce has worked for the past seven years with the young people of La Playa to unite them in a common struggle to rid their community of crime. The Center tries to provide hope instead of despair to its young and poor, with programs of job development and other activities geared to uplift the spirit of the community.

Although supported in part by State Planning Agency funds, this program has not been the object of evaluation and study.

In Hartford, Connecticut, recently, a unique dance was organized. Members of six or seven gangs—not allies out rivals—attended. Youth members themselves policed the dance, and it was held without trouble. The proceeds went, by agreement, to give a Halloween party for younger children and to raise food for a number of elderly people.

In another city, a gang member wrote a play depicting gang life. Some nine hundred parents and children attended, on a Tuesday evening, in a crowded community auditorium. A discussion was held afterward as to why gang members should lay down their arms.

Almost all these efforts have gone unrewarded and unencouraged by press attention.

The people who are providing indigenous leadership for these efforts can be described as catalysts for life. There are many such catalysts for life in the cities, if we could learn to focus public attention on the possibilities that exist within the community rather than just viewing it as a kaleidoscope of interlocking pathologies with no redeeming features at all as federal officials continue to do when resources are limited to support of status offenders.

#### APPENDIX A—LEGISLATIVE HISTORY OF THE OFFICE OF JUVENILE JUSTICE DELINQUENCY PREVENTION

In 1968, the Omnibus Crime Control and Safe Streets Act of 1968 was enacted. This Act provided block grants to states in order to improve and strengthen law enforcement. While not specifically mentioning juvenile delinquency, this Act's broad crime control mandate authorized funding of delinquency control programs.

In 1971, the Omnibus Crime Control and Safe Streets Act was amended to specifically include programs related to prevention, control and reduction of juvenile delinquency. Grants were authorized for community-based juvenile delinquency prevention programming and correctional programs.

The Act was again amended in 1973 to specifically require juvenile delinquency components in the comprehensive state plan for the improvement of law enforcement and criminal justice.

On September 7, 1974, the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, was signed into law. This Act authorizes a \$380 million program over three fiscal years designed to combat juvenile delinquency and improve juvenile justice. The program is administered by the Law Enforcement Assistance Administration (LEAA) within the Department of Justice.

The Act substantially revised and extended existing federal laws and agency responsibilities regarding juvenile delinquency. Principal responsibility for coordination of federal juvenile delinquency prevention efforts was placed in LEAA, new organizational entities were established to conduct research and implement juvenile delinquency programs, and far-ranging new grant programs to combat delinquency and assist runaway youth were authorized.

Essentially, the Act created within LEAA a Juvenile Justice and Delinquency Prevention Office, a National Institute to conduct research, established an independent Coordinating Council and a National Advisory Committee. It also authorized new grant programs to deal with juvenile delinquency and runaway youth, and established a National Institute of Corrections within the Federal Bureau of Prisons. Additionally, the Federal Juvenile Code, that portion of the United States Criminal Code dealing with juveniles, was updated. The juvenile delinquency programs administered by the Department of Health, Education and Welfare were also extended for one fiscal year, through fiscal year 1975, for the purposes of transition to LEAA.

Appropriations of \$75 million for fiscal year 1975, \$125 million for fiscal year 1976, and \$150 million for fiscal year 1977 were authorized by the legislation for LEAA programs. Another \$10 million was authorized for each of these fiscal years.

for use by H.E.W. The amounts actually appropriated in each fiscal year, however, vary from these amounts.

**Concentration of Federal efforts** LEAA was given the responsibility of developing and implementing policy objectives for all Federal delinquency programs. Progress is to be monitored carefully and the results thoroughly evaluated.

**Coordinating Council.** The Coordinating Council consists of representatives of Federal agencies administering programs which affect juveniles. These programs are to be coordinated so that wasteful duplication of effort and overlapping programs is eliminated.

**Juvenile Justice and Delinquency Prevention Office.** This Office within LEAA is responsible for administering the delinquency prevention and juvenile justice programs authorized by the bill. It is headed by an Assistant Administrator appointed by the President.

**National Advisory Committee.** A 21 member Advisory Committee, appointed by the President, advises the Office on various aspects of its operations. The members of the Advisory Committee are required to be knowledgeable in the areas of delinquency prevention and juvenile justice. A majority cannot be government officials, and seven members must be under age 26 at the time of their appointment.

**Formula grants.** Formula grant funds are allocated to states and territories on the basis of population of people under age eighteen. To be eligible, each state must submit a comprehensive plan which embodies some of the purposes of the Act. Once the plan is approved, each state determines how funds are to be used. Funds are administered by a state planning agency, SPA, previously established to administer LEAA programs. All applications for funds are to go to these SPA's. Seventy-five percent of funds are to be used for advanced techniques to combat delinquency.

**Discretionary grants.** As amended in 1977, one-quarter of the available funds are to be used as a discretionary fund by LEAA. Grants and contracts are made to carry out six types of Special Emphasis Prevention and Treatment Programs. Thirty percent of these funds are to go to private, nonprofit organizations who have had experience in dealing with youth. Successful programs are to receive continued funding.

**Special Emphasis Prevention and Treatment Programs.** Section 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

1. Develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

2. Develop and maintain community based alternatives to traditional forms of institutionalization;

3. Develop and implement effective means of diverting juveniles from the additional justice and correctional system;

4. Improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;

5. Facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice and the Institute as set forth pursuant to section 247, and

6. Develop and implement model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

b. No less than 25 percent of the funds appropriated for each fiscal year pursuant to this part is to be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

c. At least 20 percent of the funds available for grants and contracts made pursuant to this section is to be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

Assistant Administrator has the discretion to authorize states to utilize up to 25 percent of formula monies to meet the non-federal matching requirement when there is no other way to fund a delinquency program.

**National Institute for Juvenile Justice and Delinquency Prevention.** This Institute within the Office serves as a research evaluation and information center and provides training in the treatment and control of juvenile offenders. Demonstration projects established by the Institute and other Federal juvenile programs are to be carefully evaluated. Standards for Juvenile Justice are to be swiftly developed and implemented according to the terms of the Act.

**Runaway Program.** A grant program to deal with the problems of runaway youth is administered by the Department of Health, Education, and Welfare. The program is designed to develop public and private programs for runaways. A survey

is to be made to determine the characteristics of the nation's runaway youth population.

*National Institute of Corrections.*—Established within the Federal Bureau of Prisons, the main purposes of this Institute include training of personnel who work with offenders, dissemination of information regarding corrections, and the provision of technical assistance for states and federal agencies.

*Juvenile Code.*—Chapter 403 of Title 18, United States Code, was revised to guarantee adequate protection of juvenile rights, and assure that Federal criminal procedures meet the needs of young people.

APPENDIX B.—Recipients of grants and contracts for fiscal year 1978

The URSA Institute, San Francisco .....	3977,461
Nation Board YWCA .....	2,007,107
National Council Negro Women .....	2,818,624
Indian Nurses of California Urban Indian Child Resource Center .....	242,446
Washington Department of Social Services, Olympia, Wash .....	467,024
Narcotic Addicts Rehabilitation Center, Atlanta City, N.Y. ....	292,101
Open Harbor, Cambridge, Mass. ....	255,913
Wisconsin Department of Health .....	1,237,930
Ventura, Calif., Corrections Service Agency .....	859,181
D.C. Division of Social Services .....	613,660
Pierce County, N. Dak., County Courthouse .....	278,153
Girls Clubs of America, NYC .....	499,807
The Center for Children and Youth, Tallahassee, Fla. ....	200,000
City of Los Angeles, Office of the Mayor .....	493,425
Boys Clubs of America, NYC .....	457,501
Catholic Social Service of Wilkes-Barre, Pa. ....	24,629
Youth-GAP, El Paso, Tex. ....	432,096
Washington UL, Washington, D.C. ....	433,591
United Neighborhood House of New York .....	392,974
City of Philadelphia City Managers Office (Project Director Taris Montgomery) .....	420,000
Law and Justice Planning, Olympia, Wash .....	3,635,262
County of Dave, Wis., Madison, Wis. ....	238,244
Johnson County Youth Service Bureau, Franklin, Ind. ....	58,287
National Federation of Settlements and Neighborhoods, NYC. ....	568,329
Venice Drug Coalition, Venice, Calif. ....	499,996
Rock Island Public School District, Rock Island, Ill. ....	100,000
Constitutional Rights Foundation, Los Angeles, Calif. ....	25,742
Dallas County Youth Service Network Project, 623 Record Building, Dallas, Tex. ....	399,535
Alabama Department of Youth Services, Tuskegee Institute .....	587,686
Operation Helping Hand, Tulane, Calif., Youth Service Bureau .....	109,865
National Justice Law Center, St. Louis, Mo .....	699,764
Juvenile Justice Center of Pennsylvania, 2100 Locust St., Philadelphia, Pa. ....	1,181,811
United Way of New Haven, New Haven, Conn. ....	585,479
National Assembly of Social Welfare Organizations, New York, N.Y. ....	948,581
New Mexico Council on Crime and Delinquency, Albuquerque, N. Mex. ....	11,893
The Salvation Army, Atlanta, Ga. ....	512,719
Calumet City Youth Service Bureau, Calumet City, Ill. ....	50,300
LINKS, Inc., Moline, Ill. ....	100,000
Hamilton County Girls Fund, Inc., Cincinnati, Ohio .....	50,000
Neighborhood House, Seattle, Wash. ....	550,000
Suburban Crime Prevention Council, Des Moines, Iowa .....	112,454
Pueblo Youth Service, Pueblo, Calif. ....	107,646
Springfield Police Department, Springfield, Ill. ....	68,678
Department of Social Services, County Orange, Goshen, N.Y. ....	146,870
CEFS Economic Opportunity Corporation, Effingham, Ill. ....	96,458
Youth Opportunity Unlimited, Kankakee, Ill. ....	100,000
New Life For Girls, Cincinnati, Ohio .....	100,000
Arkansas Department of Human Resources, Little Rock, Ark. ....	351,796
Alameda County Probation Department, Alameda County, Calif. ....	471,796
Fremont County Department of Social Service .....	50,315
Horsham Hospital, Horsham, Pa. ....	167,676
West Virginia Department of Welfare, Charleston, W. Va. ....	129,004
University of North Carolina School of Social Work, Chapel Hill, N.C. ....	192,398

Utah State Department of Social Services Division of Family Services, Salt Lake City, Utah.....	\$800,000
University of Illinois Board of Trustees, Champaign/Urbana Campus, Urbana, Ill.....	1,134,544
University of Georgia.....	199,680
Department of Youth Services, Boston, Mass.....	510,699
Department of Youth Services.....	419,280
Department of Health Rehabilitation Services Tallahassee, Fla.....	209,000
University of South Carolina, Columbia, S.C.....	200,000
New State Division for Youth, Albany, N.Y.....	150,000
Middlesex County Probation Department of New Brunswick, N.J.....	148,917
Camden County Law Enforcement Planning Agency, Pennsauken, N.J.....	88,308
Department of Corrections, Nashville, Tenn.....	200,000
Vermont Agency of Human Services, Montpelier, Vt.....	779,100
Juvenile Justice Center of Pennsylvania (for 4 months).....	77,917
Womensen Community Service, Inc., Lincoln, Nebr.....	97,725
National Council on Crime and Delinquency, A.F. of L.-C.I.O. Labor Participation Department, Washington, D.C.....	331,082
Youth Emergency Services, Inc., Omaha, Nebr.....	87,642
Cochise County Juvenile Court, Bisbee, Ariz.....	74,990
Lancaster County Division of Public Welfare, Lincoln, Nebr.....	87,997
YMCA of Greater St. Louis, St. Louis, Mo.....	30,000
Lincoln County Circuit Court, Newport, Oreg.....	35,000
YMCA of Greater St. Louis, St. Louis, Mo.....	30,000
Larimer County, Sheriff's Office, Fort Collins, Colo.....	101,580
Juvenile Court, Center/Maricopa County, Phoenix, Ariz.....	135,560
West Arkansas County, Judges Association, Ozark, Ark.....	79,590
Malheur County Juvenile Department, Malheur County, Vale, Oreg.....	29,190
Douglas County Board of Commissioners District Attorney, 18th Judi- cial District, Littleton, Colo.....	50,000
Social Advocates for Youth, San Francisco, Calif.....	199,942
Mental Health and Corrections, Augusta, Maine.....	200,000
YUMA County Council on Alcohol and Drugs, Yuma, Ariz.....	64,800
Social Services Agency, Planning and Program Development Division, Santa Fe, N. Mex.....	109,853
Jackson County Juvenile Court, Kansas City, Mo.....	42,900
Logos, Inc., St. Louis, Mo.....	32,460
Graham Behavioral Health Services, Inc., Gafford, Ariz.....	74,667
Department of Social Services, Office of Children and Youth, Pierre, S. Dak.....	65,000
Central Texas Council of Governments, Belton, Tex.....	51,206
Oklahoma SPA, Oklahoma City, Okla.....	80,000
Barrio Youth Project, Inc., Family Counseling Program.....	49,034
Coconino County, Juvenile Court Center, Flagstaff, Ariz.....	50,040
Kenyon College, Kenyon Public Affairs, Gambler, Ohio.....	10,724
American Justice Institute, Sacramento, Calif.....	200,000
Capital Area Planning Council, Regional Council of Governments, Austin, Tex.....	41,176
Santa Cruz Family Guidance Center, Mental Health, Nogales, Ariz.....	73,744
Association of Idaho Counties, Boise, Idaho.....	100,000
Agency of Human Services, Montpelier, Vt.....	170,000
Open Harbor, Inc., JCAP, Eleven Farwell Place, Cambridge, Mass.....	117,098
Opportunities Industrialization Center, Providence, R.I.....	72,966
Boys' Club of America, New York, N.Y.....	352,784
Academy of Contemporary Problems, Columbus, Ohio.....	2,493,241
Behavioral Research Institute, Boulder, Colo.....	561,336
National Center for State Courts, Program Division, Williamsburg, Va.....	727,998
University of Notre Dame, Notre-Dame, Ind.....	295,974
University of Southern California, Social Science Research Institute, 950 West Jefferson Boulevard, Los Angeles, Calif.....	481,739
Hahnemann Medical College and Hospital, Department of Mental Health Sciences, Philadelphia, Pa.....	247,143
National Council on Crime and Delinquency, Hackensack, N.J.....	999,618
District of Columbia Superior Court, Washington, D.C.....	202,237
Criminal Justice Research Center, Inc., Albany, N.Y.....	279,013
National Center for State Courts, Williamsburg, Va.....	1,093,332
National Center for Juvenile Justice, Pittsburgh, Pa.....	443,300
National District Attorneys Association, Chicago, Ill.....	79,919

Rutgers College, Institute for Criminological Research, New Brunswick, N.J.	\$399,749
National Council of Juvenile Family Court Judges, Reno, Nev.	242,912
Harvard College, Cambridge, Mass.	361,452
Association Children with Learning Disabilities, Pittsburgh, Pa.	492,060
Socio-Environmental Research Center, Ltd., Milwaukee, Wis.	99,883
Department of Sociology, University of Arizona, Tucson, Ariz.	49,488
Harvard College, Cambridge, Mass.	343,898
Blackstone Institute, 2309 Calvert Street, N.W., Washington, D.C.	192,682
National Council Juvenile Family Court Judges, Reno, Nev.	171,602
Social Action Research Center, San Rafael, Calif.	1,372,756
Constitutional Rights Foundation, Los Angeles, Calif.	175,776
American Institutes for Research, Washington, D.C.	110,372
Social Action Research Center, San Rafael, Calif.	192,033
Center for Human Services, Washington, D.C.	178,542
University of Delaware, Sociology Department	52,759
Associates for Youth Development, Inc., Tucson, Ariz.	88,274
Pennsylvania Child Advocate, Inc., Pittsburgh, Pa.	16,437
Boston University, Center for Criminal Justice, Boston, Mass.	301,848
American University, Massachusetts and Nebraska Avenues NW, Washington, D.C.	155,700
Read, Inc., Project Read, Silver Spring, Md.	467,760
University of Pennsylvania, Administration Building, Philadelphia, Pa.	89,557
University of Chicago, Chicago, Ill.	189,394
Behavioral Research Institute, Boulder, Colo.	425,204
Institute of Judicial Administration, New York, N.Y.	125,870
Stanford Research Institute, Menlo Park, Calif.	155,985
Girls Clubs of America, New York, N.Y.	181,466
National Association of Counties, Research, Inc., Washington, D.C.	158,004
National Academy of Sciences, Washington, D.C.	299,800
A.L. Nellum and Associates, Washington, D.C.	275,000
Kenyon College, Kenyon Public Affairs Forum	193,179
Puerto Rico, Department of Addiction Serv., Rio Piedras, P.R.	279,620
City of New Bedford Juvenile Court, New Bedford, Mass.	354,575
Camden County Probation Department, Camden, N.J.	278,148
County of Cumberland, P.O. Box 308, Portland, Maine	299,412
Jefferson County Fiscal Court, Department of Human Services, Louisville, Ky.	411,655
Department of Social and Health Services, Olympia, Wash.	467,024
Snohomish County Juvenile Court, Everett, Wash.	261,260
Lucas County Juvenile Court, 429 Michigan Street, Toledo, Ohio	247,501
Summit County Juvenile Court, 650 Dan Street, Akron, Ohio	212,071
Trident United Way, Voluntary Action Center, P.O. Box 2696, Charleston, S.C.	208,235
New York State Division of Probation, Tower Building, Empire State Plaza, Albany, N.Y.	2,289,325
Camden County Probation Department, 327 Market Street, Camden, N.Y. 08101	278,148
Supreme Court of New Jersey, Administration Office of the Court, 349 State House Annex, Trenton, N.J.	520,375
County of Wayne, Juvenile Division, Probate Court, 1025 East Forest, Detroit Mich. 48297	538,439
Department of Health and Social Services, Division of Community Service, West Wilson, Madison, Wis. 53702	1,237,930
County of Dane, 210 Mona Avenue, Madison, Wis. 53701	238,244
City of New Orleans, Office of the Mayor, New Orleans, La. 70112	510,046
District of Columbia Superior Court, Washington, D.C.	613,660
The Family Court of Delaware, P.O. Box 2359, Wilmington, Del.	832,596
City of Lynn, Lynn Youth Resource Bureau, Lynn, Mass.	370,925
Youth-Gap, Inc., 214 City County Building, El Paso, Tex.	432,096
The Friends Program, Inc., Concord, N.H.	110,615
County of Cumberland, P.O. Box 308, Portland, Maine	299,412
Association for the Support of Human Services, Inc., 42 Arnold Street, Westfield, Mass.	171,842
City of New Bedford, Juvenile Court, Municipal Building, New Bedford, Maine	354,575
County of Ventura, Corrections Service Agency, Ventura, Calif.	859,181
Hennepin County, Department of Finance, Minneapolis, Minn.	458,690



## APPENDIX C.—JJDP FORMULA GRANT-FLOW 3-YEAR REVIEW

(Legend: NR-No report; NP-Not participating)

State	Fiscal year 1975		Fiscal year 1976		Fiscal year 1977	
	Awarded	Expenditures	Awarded	Expenditures	Awarded	Expenditures
Alabama	NR				\$813	\$75
Alaska	\$200	\$189	\$250	\$123	200	75
Arizona	200	69	250	67	425	0
Arkansas	200	188	250	86	432	7
California	680	354	2,450	615	4,373	738
Colorado	NP		286	49	510	15
Connecticut	200	130	378	55	673	130
Delaware	200	161	250	80	290	411
Florida	216	108	779	124	1,390	80
Georgia	200	136	607	108	1,083	12
Hawaii	NR				200	0
Idaho	200	112	250	67	200	4
Illinois	389	241	1,402	470	2,501	0
Indiana	200	108	679	24	1,217	62
Iowa	200	151	360	56	643	7
Kansas	NP		NP		NP	0
Kentucky	NP				734	0
Louisiana	200	122	512	191	915	65
Maine	200	196	250	93	227	253
Maryland	200	84	510	124	910	30
Massachusetts	200	200	693	539	1,236	150
Michigan	333	240	1,200	590	2,142	65
Minnesota	200	104	510	85	910	60
Mississippi	NP	NR	NP		NP	
Missouri	200	17	573	7	1,024	26
Montana	200	183	250	62	200	309
Nebraska	NP		NP		NP	
Nevada	NP	NR	NP		NP	
New Hampshire	200	117	250	104	200	29
New Jersey	245	222	881	NR	1,571	NR
New Mexico	200	172	250	50	268	0
New York	599	0	2,157	111	3,850	70
North Carolina	NP		NP		NP	
North Dakota	21	NR	20	NR	NP	
Ohio	383	72	1,380	0	2,463	89
Oklahoma	NP		NP		NP	
Oregon	200	35	258	12	460	0
Pennsylvania	395	NR	1,420	NR	2,536	NR
Rhode Island	NP		250	3	200	0
North Carolina	230	153	353	60	629	60
South Dakota	200	52	250	30	200	0
Tennessee	97	NR	NR		874	NR
Texas	410	362	1,476	170	2,635	296
Utah	NP		NP		NP	
Vermont	200	NR	250	169	200	4
Virginia	NP		587	53	1,047	43
Washington	200	140	429	115	764	235
West Virginia	NP		NP		NP	
Wisconsin	200	159	584	66	1,044	15
Wyoming	NP		NP		NP	
American Samoa	NP		62	NR	50	NR
Guam	50		62	NR	50	0
Puerto Rico	200	195	435	86	776	119
Virgin Islands	50	36	62	1	50	0
Trust Territories	50	50	62	62	50	NR
District of Columbia	200	101	250	5	200	0
Total	9,118	4,959	24,417	4,712	43,271	3,234



## SUMMARY FORMULA GRANT

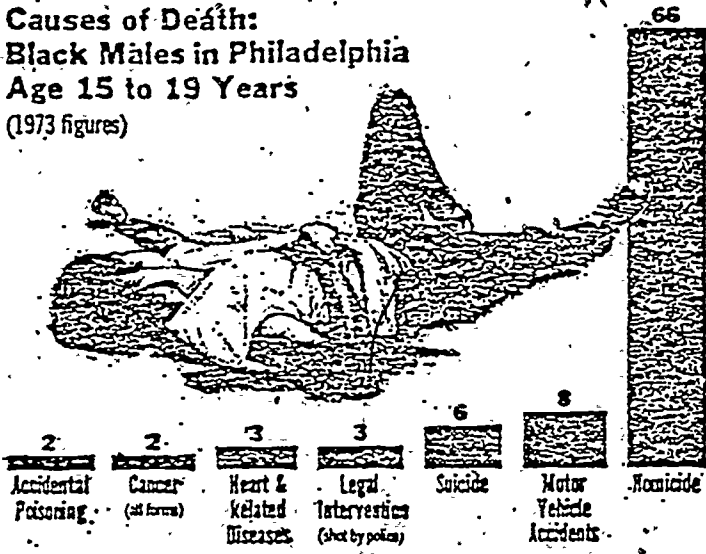
[in millions]

	Fiscal years—			
	1975	1976	1977	Total
Funds awarded	9.118	24.417	43.271	76.806
Funds expended	4.959	4.712	3.234	12.905
Total unexpended	4.159	19.705	40.037	63.901

Source: Comptroller H-1 reports

FIGURE I -

**Causes of Death:  
Black Males in Philadelphia  
Age 15 to 19 Years  
(1973 figures)**



Source: City Health Department.

Philadelphia Inquirer / DAVID MILNE

Senator SPECTER. Now I would like to call on Mr. David Bahlmann, executive vice president, Big Brothers-Big Sisters of America, National Collaboration for Youth; Mr. Mark Thennes, executive director, National Youth Work Alliance; Theodore Levine, executive director, Youth Service, Inc., Philadelphia Child-Welfare League; Barbara Fruchter, Pennsylvania Juvenile Justice Center; and Marlon Mattingly, President's Task Force on Law Enforcement.

Mr. Bahlmann, would you identify yourself for the record, please, and tell us what your views of the program are?

**TESTIMONY OF DAVID BAHLMANN, EXECUTIVE VICE PRESIDENT, BIG BROTHERS-BIG SISTERS OF AMERICA, NATIONAL COLLABORATION FOR YOUTH**

Mr. BAHLMANN. Senator Specter, I am David Bahlmann. I am currently the executive vice president of Big Brothers and Big Sisters of America, national headquarters located in Philadelphia, with agencies represented in all of the 50 States of the United States except 1.

I am here on behalf of the National Collaboration for Youth. I want to thank you and the subcommittee for the invitation to testify before you on the Office of Juvenile Justice and Delinquency Prevention.

We welcome the opportunity to share our views on the juvenile justice and delinquency prevention subject, and particularly on this piece of legislation, matters which we feel are of critical importance to the Nation.

We specifically ask our written comments be noted and made part of the record.

Senator SPECTER. They shall be made part of the record following your oral presentation, Mr. Bahlmann. If you would summarize them, we would appreciate it.

Mr. BAHLMANN. I know the Senator's situation, having been involved at a State level prior to this position. I have a background somewhat similar to yours. I am a former district attorney myself and I was for several years a deputy prosecuting attorney in the juvenile division in Indiana and ran at the same time you did for district attorney, and was involved extensively—

Senator SPECTER. At the same time or times?

Mr. BAHLMANN. At the same time, elected in the same kind of process in Indiana.

I had an extensive opportunity to deal with this particular piece of legislation from several aspects as a professional and law enforcement officer and also as part of a legislative process that moved to implement it in the State of Indiana as part of the advisory council. I was part of the advisory council for the State of Indiana, and also through the legislative reform and standards development, which I know you have been involved in.

Senator SPECTER. As a former prosecutor you are doubly welcome.

Mr. BAHLMANN. The reason I say that, quite frankly, Senator, is because a number of the statements made with regard to the hearings have presented a broad overview of the things represent-

ed by the National Collaboration for Youth. It might be helpful to the Senator and the subcommittee to recognize that the 13 national voluntary youth-serving organizations in the private sector which are members of the National Collaboration are sometimes and have been referred to here in some areas that I think need to be brought to the attention of this subcommittee because we really represent members of a constituency dealt with here.

Specifically the American Red Cross, Boys Clubs of America, Boy Scouts of America, Campfire, Inc., 4-H youth programs, Future Homemakers of America, Girls Clubs of America, Girl Scouts of the United States, the National Board of YMCA, the National Board of YWCA of the United States, the National Network Service to Runaway Youth and Families, and the United Neighborhood Centers of America.

The reason I bring that to your attention is because together we represent nearly 5 million volunteers from all walks of life who give their time and talents to help young people in a long tradition of responsiveness as a private voluntary agency. They are supported by more than 40,000 professionals at local levels. Membership organizations comprise more than 13,000 local program units which address youth needs on many fronts—vocational, employment, education, health, and family life.

Our organizations collectively serve 30 million young people from a diverse and broad cross section of this Nation, from rural and urban areas, from all income levels—I emphasize all income levels—and from all ethnic, racial, religious and social backgrounds. We as a national group have invested substantial human and financial resources to meet the needs of youth in our communities. These funds are almost entirely raised from the private sector.

We cite this fact to make clear that our organizations represent valuable resources that can be tapped in cooperative ventures, together with the Federal Government, State governments, and local governments in a collaborative effort already set forth by this legislation.

Particularly in prior remarks just concluded there was reference to the fact that some of the agencies which have been dealt with by grants from the Office of Juvenile Justice and Delinquency Prevention did not deal with indigenous groups. A specific citation was made to some of our member organizations.

I think the Senator is well aware, particularly in Philadelphia and throughout Pennsylvania, that the agencies I have just referred to are in fact indigenous to the communities upon which they are represented. They in fact represent the very people who live there. They are supported by those people. They take part in those programs. They are representative of minorities extensively.

One of our national groups represented here has a constituency of 80 to 85 percent minority, United Neighborhood Centers. Our Big Brothers and Big Sisters program is in excess of 40 percent minority, Girls Clubs of America, 48 percent constituency, and so forth.

We bring that to the attention of the committee because in fact the point should be made that this program has not in fact been the abysmal failure cited by a number of people. It in fact has not

been cited as a program which does not work. If we really examine what it was written to do and what its actual track record is, I think it is more appropriate to see it has been a smashing success.

Senator SPECTER. To what extent do members of your organizations participate in being substitute parents, substitute brothers, take a brother, Big Brother, that sort of thing?

Mr. BAHLMANN. Big Brothers and Big Sisters particularly are of course not the surrogate parent concept but a special role model as a support system for the family, be it the single parent family or the regular nuclear family.

Senator SPECTER. Is there extensive participation by individuals in those organizations?

Mr. BAHLMANN. Yes. They in fact are the role models as big brothers and big sisters. They are volunteer board members.

Senator SPECTER. Are they able to supply as many requests as they receive?

Mr. BAHLMANN. We currently have more than 130,000 actually matched and more than 100,000 waiting for additional services.

Senator SPECTER. There are requests not fulfilled?

Mr. BAHLMANN. Absolutely. Of course throughout the country that is an indication of the kind of involvement at all levels of our 13 agencies.

Senator SPECTER. Has there been an effort made by your organization which performs that service to try to recruit people from other organizations to help out?

Mr. BAHLMANN. It is continually ongoing. We are part of massive collaborative efforts through the 13 of us. We had a national juvenile justice grant for juvenile justice program collaboration which produced an in-depth document on community collaboration which has just been published.

There are many, many agencies—our national organization has many instances, more than 50 of our agencies being collaborative efforts with other youth-serving organizations either under umbrella-type programs with YWCA's, YMCA's, community services, family service associations—

Senator SPECTER. I have a sense that kind of service is extraordinarily important, and it may be the subject of further hearings by this subcommittee in the future.

Mr. Bahlmann, I hate to abbreviate your testimony but we are fighting a tough clock here.

[Mr. Bahlmann's prepared statement and appendix follow.]

#### PREPARED STATEMENT OF DAVID BAHLMANN<sup>1</sup>

My name is David Bahlmann. I am Executive Vice President of Big Brothers/Big Sisters of America. Mr. Chairman, I am here on behalf of the National Collaboration of Youth (NCY). I want to thank you and the Subcommittee for the invitation to testify before you on the Office of Juvenile Justice and Delinquency Prevention. We welcome the opportunity to share our views on juvenile justice and delinquency prevention—matters of critical to this nation.

Big Brothers/Big Sisters is one of the 13 national voluntary youth-serving organizations in the private sector which are members of the National Collaboration for Youth. Other Collaboration member organizations are American Red Cross, Boys' Clubs of America, Boy Scouts of America, Camp Fire Inc., 4-H Youth Programs,

<sup>1</sup>Testimony Expressly Endorsed by American Red Cross, Big Brothers, Big Sisters of America, Camp Fire, Inc., Girls Clubs of America, Inc., Girl Scouts of the USA, National Board, YWCA of the USA, National Board of YMCAs, National Network, Services to Runaway Youth and Families, United Neighborhood Centers of America.

Future Homemakers of America, Inc., Girls Clubs of America, Inc., Girls Scouts of the U.S.A., National Board of YMCAs, National Board, YMCA of the U.S.A., National Network, Service to Runaway Youth and Families, and United Neighborhood Services of America, Inc. NCY is an affinity group of the national Assembly of National Voluntary Health and Social Welfare Organizations, a nonprofit organization composed of 36 voluntary agencies.

Together, our NCY member organizations involve 5 million volunteers from all walks of life who give their time and talents to help young people in the long tradition of responsiveness of private voluntary agencies. These volunteers are supported by 40,000 professionals at the local level of our agencies. Our member organizations comprise over 13,000 local program units, which address youth's needs on many fronts—vocational, employment, educational, health, and family life. As organizations with deep roots in their communities—some go back generations—our member agencies are well situated to meet the needs of young people, including those at risk.

Our organizations collectively serve 30 million young people from a diverse and broad cross section of this nation, from rural and urban areas, from all income levels and from all ethnic, racial, religious and social backgrounds. We have invested substantial human and financial resources to meet the needs of youth in our communities. These funds are almost entirely raised from the private sector. We cite these facts to make clear that our organizations represent valuable resources that can be tapped in cooperative ventures, when the federal government offers leadership and catalytic funding.

The need for federal leadership in this critical area was the key point in our testimony seven years ago when the Juvenile Justice and Delinquency Prevention Act was originally passed. We believed then and believe now that delinquency prevention and reform of the juvenile justice system are national concerns. To make a dent in these problems requires effective national leadership that will focus attention on the needs of young people.

That leadership can best come through a separate, visible Office of Juvenile Justice and Delinquency prevention which has the authority to coordinate and direct all federal efforts that impact on young people at risk. Concentrating federal effort is not an easy task, but it is a responsibility Congress gives to this Office. In the 1980 reauthorization, there were amendments to place increased emphasis on the Coordinating Council. Significant steps were taken to provide staffing to the Coordinating Committee and to update information about federal programs.

Federal leadership in focusing attention, coordinating efforts and setting standards must be accompanied by funds drawn from the broadest possible tax base and used as incentives to get states and their political subdivisions to institute reforms that are so desperately needed. There is now a track record of movement toward deinstitutionalization of status offenders and removal of young people from jails. But the job is not yet done and will not be done if federal leadership and funding disappears.

The other major points in our support of the Juvenile Justice and Delinquency Prevention Act are the importance of a National Institute, the need for national standards, an emphasis on community-based prevention, diversion and treatment programs, and private voluntary agency participation. One part of the Act which has proved to be successful in community-based prevention services has been Title III, the Runaway and Homeless Youth Act. We support maintaining this Title as a separate program within the Department of Health and Human Services. Recognizing the importance of private public cooperation to help youth at risk, the members of the Collaboration today continue their commitment to the effective implementation of this landmark legislation, which provides Federal leadership for a comprehensive approach to the delinquency problem through coordinated prevention, diversion and community-based alternative programs.

In our testimony today we will only detail the continued urgency of the problem of juvenile delinquency with the most recent data available from the National Center for Juvenile Justice (based on FBI Uniform Crime Reports).

In 1979, the number of persons under 18 arrested was 2,143,369. This represents 22 percent of total arrests. While the number is considerably larger than 5 years earlier, the percentage of total arrests is significantly lower—from 27.2 percent in 1974 to 22 percent in 1979. There are also drops in percentage for violent crime by people under 18—from 22.6 percent in 1974 to 20.1 percent in 1979, and in property crime from 50.7 percent to 43.5 percent.

Although there is progress, we want to stress that the problem remains serious and must be addressed. Recent issues of TIME and Newsweek have given extensive coverage to the urgency of the problem. The Juvenile Justice and Delinquency Prevention Act provides the vehicle for doing something about juvenile crime and it



does this in a cost effective fashion with its focus on deinstitutionalization. A clear comparison of the costs of services is the estimated \$24,620 a year to keep a male in a secure correctional institution and \$43,070 for a female, compared to such community based services as foster care at \$3,650 a year, a small group home at \$6,570 or probation or parole at \$700. (Charles P. Smith "Juvenile Justice System, Achievements, Problems and Opportunities", Draft Report American Justice Institute, February 1980, page 48) Beyond the dollar savings, most professionals in the field agree that better, more effective services are provided in community based programs.

A second fiscal point we want to emphasize is the value of using a relatively small federal expenditure to leverage private funds to work on a problem of national concern. Government funds which have gone to member organizations have been a catalyst to increase our efforts and the dedication of our resources to the needs of youth at risk. We have been able to obtain increased private and foundation funding for our programs for alienated youth. Due to the legislation and the work of the Collaboration itself, our membership is thoroughly aware of the delinquency problem and is mobilized to try to serve the hard-to-reach youth.

Examples will be illustrative. The Girls clubs of America received funding to provide delinquency prevention programs to girls in target communities in seven cities. Over the three year period of federal funding, services were provided to more than 2,000 girls. At the conclusion of that demonstration program, in all cases the services were recognized to be valuable enough so that local funds, primarily from private sources, are now maintaining the programs.

Another example is a project where federal funds enabled ten member agencies of the Collaboration and six other major national private non-profit organizations to undertake jointly, with their respective local affiliates, actions to increase the capacity of private agencies, in partnership with governmental departments, to provide community-based alternatives to status offenders in Tucson, Arizona, Oakland, California, Spokane, Washington, Spartanburg, South Carolina, and Connecticut.

This National Juvenile Justice Program Collaboration, a task force of the National Assembly of National Voluntary Health and Social Welfare Organizations, built the capacity of these agencies to include status offenders in their service populations and also established demonstration collaborations in five communities where deinstitutionalization projects for status offenders were being funded in juvenile courts, probation departments, and youth bureaus. Twenty separate programs were selected as models and published for replication as the most effective ways to help status offenders. One such example was developed by the Camp Fire Council of Tucson. With the aid of a small amount of seed money, this council has been working with forty status offenders to assist leaders of small groups of boys and girls. These youth were referred to the Camp Fire project by courts and public agencies. Through their training by Camp Fire staff and volunteers, they were able to acquire leadership skills and help 600 young boys and girls from varied ethnic backgrounds benefit from group experience.

Project New Pride of Denver, Colorado, one of the few juvenile programs designated an Exemplary Project by the National Institute of Justice, is a successful attempt to help juveniles, most with lengthy records of prior arrest and conviction, to break out of what could become a lifetime pattern of crime. The project integrates services which are usually highly specialized and fragmented and applies them in intensive treatment plans. Initiated and developed by the Mile High Chapter of the American Red Cross, Project New Pride was originally funded under LEAA's Impact Cities program. New Pride is now an established program of the Colorado Division of Youth Services. The Office of Juvenile Justice and Delinquency Prevention has invested substantial funds to assist other communities in replicating this extremely effective community-based treatment model.

As Executive Vice-President of Big Brothers, Big Sisters of America, I am familiar in detail with one of our programs funded at the state level through the Juvenile Justice and Delinquency Prevention Act. Our data on results document so well the value of the law that we have included an attachment giving figures for this Texas project over a period of years. The data not only show positive results but goals substantially exceeded in many cases.

These experiences of the members of national youth-serving organizations emphasize what can be accomplished by federal government leadership and catalytic funding to create public-private cooperation to help children in trouble.

The final point we wish to make is that this legislation was thoughtfully developed over a period of several years and is supported by virtually all major groups in the United States who work with young people. We are delighted that Senator Charles Mathias is serving on this reconstituted Sub-committee; his leadership was of great importance in the long, bipartisan effort that led to the passage of the

Juvenile Justice and Delinquency Prevention Act of 1974. That bill passed both the Senate and the House overwhelmingly. Despite the Administration's wish not to provide funds, the Congress voted to fund the Office. When there was difficulty getting the first Administrator appointed, Congress again pressed the issue with the support of all parties concerned about America's young people. In 1977, when the legislation was up for renewal, another thorough and thoughtful examination was given to progress to date, the distance still to go, and the changes that were needed. The law was amended to meet some of the operating difficulties. It turned out to be much more difficult to get status offenders out of institutions than we had originally hoped. Again, in 1980, this law came up for renewal. Again, a comprehensive review was made by the Department of Justice and amendments were offered. Again, just a few months ago, Congress overwhelmingly passed this legislation. So, the Office of Juvenile Justice and Delinquency Prevention, you are considering today is not an unknown quantity. It has the wide support of the people, and its authorizing legislation has been carefully crafted and then validated and revalidated by Congressional action.

The present effort of the Administration to transfer the delinquency prevention and juvenile justice function from the Department of Justice to Health and Human Services proposed block grant program seems completely inappropriate in the light of history. The need for a separate office for youth concerns in the Department of Justice was valid and is still valid. Youth, particularly youth at risk, cannot compete for funds in a block grant program that covers day care, programs for the elderly, the handicapped, etc. This would totally destroy the first need of this program—for a strong federal leadership role.

Secondly, one must remember the history of this legislation. There were repeated attempts to develop a delinquency prevention program in HEW, but there was no way to tackle the reform of the juvenile justice system within a department responsible for health and social services. It was impossible to get the stature and visibility necessary to make an impact on the juvenile justice system. Only after years of such efforts was the Office of Juvenile Justice and Delinquency Prevention located in the Department of Justice. This history makes it even more unacceptable to place the program in HHS.

But beyond these substantial considerations, it seems to us there are very serious questions that must be asked. Only one portion of this law deals with formula grants, to the states. These grants are available only to states, who agree to plan comprehensively for the deinstitutionalization of status offenders and to keep young people out of adult jails. This is money available to reform the juvenile justice system in very particular ways.

Other parts of this law create a National Institute for Juvenile Justice—an important function which we have steadily supported. How can an Institute be absorbed in block grants to 50 states?

Another significant responsibility of the Office of Juvenile Justice and Delinquency Prevention is the Coordinating Council, which just last December was substantially strengthened by Congressional action. Will that coordinating function just disappear if the present budget situation remains unchanged?

What will happen to the Special Emphasis Prevention and Treatment Programs? This part of the law is the attempt of the federal government to develop new approaches, to develop and maintain alternatives to institutionalization, to use demonstration programs, as we have described previously, to create new services, and to facilitate the adoption of standards. This is the main vehicle through which the government hoped to encourage the redirection of private resources to serving young people in greatest need. This is the way models are developed which are maintained and/or replicated with private or local funds. As originally enacted, between 25 and 50 percent of the total available funds were to be dedicated to these purposes. By amendment, one fourth of all funds are to be devoted to special emphasis programs. How can this be handled through block grants to states?

We believe these to be serious questions, Mr. Chairman. It would fly in the face of experience, results, the support of the professional community that works with young people to see the budget process to undo the progress we have made over the past seven years. We are talking about two of the nation's most serious questions, how to prevent delinquent behavior by its young people and how to reform a system that locks some of them up for non-criminal offenses or for no offenses at all. How a nation treats its young is surely a matter to be taken seriously, as the young cannot bring their own political pressure to bear on their own behalf. We urge you to act to retain the Office for Juvenile Justice and Delinquency Prevention in the Department of Justice with adequate funding to maintain at least the present level of program and service.

## APPENDIX

The following is a summary of a Three Year project made possible through the work of the Texas Governor's Office of Criminal Justice, allocating funds derived from that State's Juvenile Justice and Delinquency Prevention Act Funds. The project was designed to work primarily with single-parent children in Texas, through clinics provided to Big Brother, Big Sister agencies within that state, and the Big Brother/Big Sisters of America (BB/BSA) National Office.

The following is a summary of that project's goals and achievements

In 1978-79, the Texas Governor's Office of Criminal Justice granted to twelve Big Brother, Big Sister agencies and the Regional Office a grant in the amount of \$185,000. This averaged some \$14,600 per community and it enabled us to hire an additional worker in each of the twelve agencies and work with some 140 additional children per community at a cost of some \$100 per year, per child. Yet, we exceeded each of our goals.

Goal No. 1. Increase by 1,000 the number of single-parent children receiving services from adult volunteers and BB/BS staff in one year.

Achievement. 1,441 children served. Almost 50 percent above our goal.

Goal No. 2. Keep 950 children served from being referred to any element of the juvenile justice system.

Achievement. 1,401 children kept from the juvenile justice system.

Goal No. 3. Increase School Attendance of 930 children being served.

Achievement. 1,387 children served increased school attendance.

Goal No. 4. Increase by 500 the number of children whose behavior has improved (in school, home, with peers).

Achievement. 1,237 children improved their behavior.

Goal No. 5. At least 750 children (75 percent) served be alleged delinquent or CHINS (Children in need of supervision).

Achievement. By the end of the third quarter, we have 760 alleged delinquents or CHINS in our program. 528 children were referred by Schools Department of Human Resources, Juvenile Probation Departments, and Police.

Fifty percent of the children served were minorities, almost 50 percent of our adult volunteers were minorities, and of the 52 staff members in our local agencies, 22 were minority staff members.

In 1979-80, we again received a continuation grant from the Governor's Office of Criminal Justice Division in the amount of \$236,000 for fifteen Texas BB/BS agencies and the Regional Office (an average of \$14,700 per agency), and again we served some 1,500 children at a cost of approximately \$140 per child per year. Again, we exceeded our goals by approximately 50 percent.

Goal No. 1: Serve 850 primarily single/parent children.

Achievement: Number of children served 1,402.

Goal No. 2: Serve 640 alleged delinquent children.

Achievement: Served 643.

Goal No. 3. Number of staff/volunteer juvenile contact hours. 88,400.

Achievement. 120,409 staff/volunteer juvenile contact hours devoted to serving our children.

Goal No. 4. At least 75 percent of referrals made by. (a) Law Enforcement, (b) Juvenile Court/Probation, (c) Public School, and (d) DHR.

Achievement: 642 referrals from above agencies served.

Goal No. 5. Number of juveniles discharged from project as result of misconduct.

Achievement. Out of 1,402 children served, only three had to be discharged as a result of misconduct. Sixty children left the program as a result of lack of interest.

Goal No. 6. Number of juveniles successfully completing project—790.

Achievement: 1,387 children successfully completed program.

Goal No. 7. Number of status offenders diverted from detention or correctional facilities—830.

Achievement. 1,397 children diverted from detention or correctional facilities.

Our third and final grant in 1980-81 from the Governor's Office of Criminal Justice Division in the amount of \$271,000 is to be used for 18 Texas BB/BS agencies and the Regional Office (an investment of some \$14,300 per community) will enable us to work with some 1,700 juveniles at a cost of under \$100 per child, per year. Already though we have just passed our first quarter of the year (October 1-December 31) we have already served 836 children so naturally, we can again assume exceeding our 1980/81 goals.

Senator SPECTER. At this time I would like to turn to Mr. Mark Thennes.

Please identify yourself.

TESTIMONY OF MARK THENNES, EXECUTIVE DIRECTOR,  
NATIONAL YOUTH WORK ALLIANCE

Mr. THENNES. I am Mark Thennes, executive director of the National Youth Work Alliance, which is a membership organization of the small, independent community agencies working with young people in trouble and their families. This involves alcohol abuse, drug abuse, delinquent kids, youth employment, and alternative education.

I would like to address myself to some overview issues.

As you know, Senator, this act has enjoyed strong bipartisan support in Congress since it was created. It was part of President Nixon's new federalism and, as a formula grant to the States under that approach, basically it had two mandates to the States—deinstitutionalization and separation of juveniles from adults. These were to be coupled with locally determined priorities.

The State participation has been voluntary throughout the existence of this act. Since the act was passed, over 30 legislators, primarily in the judiciary committees at the State level, have voluntarily changed their State laws to meet mandates and other requirements of the Juvenile Justice Act.

The other key to this program was the small national demonstration program which was set up to see what kinds of new approaches would work in areas such as restitution or diversion or serious offenders or alternative education.

The vast majority of these programs was created in local communities by indigenous groups which had to be reviewed by either State or local government to ensure some kind of coordination.

I think the other thing that we have seen in the existence of this act, as you were posing the ultimate question about whether or not it is a block grant, the type of partnership embodied in this new federalism between the Federal Government and local government works. It has enjoyed the strong support today, as it has from the beginning, from local government, particularly from the National Association of Counties and the League of Cities. I think it is not what we hear going on around town, talking about too much Federal intervention.

When you have local governments saying they support it, I think we have to take a separate look at what is going on with the block grant rhetoric.

There are two priorities existing in the new Juvenile Justice Act passed in the lame duck session of Congress. One is removal of children from adult jails and lockups, and the other is some focus on serious offenders.

The United States locks up more youth per capita than any country in the world keeping statistics, other than the Soviet Union and South Africa. I don't think that is the kind of company we necessarily want to keep. In terms of our dealing with European youth workers, it is not the kind of message we care to carry overseas.

Senator SPECTER. You are suggesting we are incarcerating too many?

Mr. THENNES. By far. Most of it is in 10 States where it happens. I think the targeted approach of formula grants with some Federal directive—

Senator SPECTER. Ten States?

Mr. THENNES. Yes.

Senator SPECTER. Which States are those?

Mr. THENNES. I am not sure which they are. I could make some guesses. We can supply it for the record.

Senator SPECTER. I would prefer no guesses on States. If you would provide that to us, we would be interested.

What kinds of arrests are they, to your knowledge?

Mr. THENNES. I assume this is in terms of kids incarcerated. It would have to include both status offenders and criminal-type offenses in terms of recordkeeping.

Senator SPECTER. Which ones are being arrested who should not be and for what? If we don't know where, for what?

Mr. THENNES. If we look at the young people being locked up in adult jails, for example, statistics show 20 percent of those are status offenders or nonoffenders. We are looking, in terms of specific cases of adult jails, 88 percent of the others being for either minor types of criminal offenses and property offenses.

The thrust of the Justice Department has been in the past, and hopefully will be in the future, that these young people can be held in community facilities or juvenile detention facilities.

We are dealing with a situation of a suicide rate of young people in adult jails of seven times the average for the juvenile facilities, five times the average of the normal population.

As you may or may not be aware, the increase in suicide in juvenile populations in the last 20 years has increased by more than 200 percent. It is atrocious to begin with. You are dealing with kids killing themselves at five times the rate of the normal population once you put them in adult facilities for either status offenses or minor property offenses. The belief is that they should be—

Senator SPECTER. If you would, provide the subcommittee with those statistics, please.

Mr. THENNES. Some of that is in the written testimony.

I think we know the programs work. The administration says the program is effective. We talk about some fairness in equality about the cuts. The Runaway Youth Act is not particularly under discussion. It was mentioned this morning. That has to be one of the more cost-effective programs going in terms of programs working with status offenders and dependent neglected kids with grants of \$65,000 or so.

The administration's plan is to merge that into a block grant. It is an \$11 million program which—

Senator SPECTER. Will you sum up, please, the key point you wish to make?

Mr. THENNES. We are suffering a \$74 million loss in funds in terms of having no longer LEAA funds. There is \$1 billion being cut from youth employment. Commissioner Brown mentioned that this morning. I think there is a direct correlation, and research will show correlation, between juvenile crime and unemployment.

If we look at something which was mentioned this morning, also, the myth of the private sector picking this up, corporate giving is at \$2.4 billion. It increased at about 8.9 percent in 1979. The myth that the private sector will pick this up is not true in terms of that.



If it increases at 10 percent, that is \$240 million a year. That is nowhere near the amount of cuts being talked about.

Senator SPECTER. Thank you very much. We will have to move on now.

[The prepared statement and information subsequently submitted by Mr. Thennes follow:]

#### PREPARED STATEMENT OF MARK A. THENNES

Good morning. Senators, I wish to express my appreciation to you and members of the Subcommittee for inviting testimony today from the National Youth Work Alliance on the Juvenile Justice and Delinquency Prevention Act (JJDPA).

The National Youth Work Alliance is one of the largest membership organizations of youth service agencies in the country, representing over 1,200 locally controlled agencies. Established as a nonprofit national advocacy organization in 1973, the Alliance serves member public and private youth service providers working in nearly every area affecting young people, including juvenile justice, employment, education, recreation, alcohol and drug abuse, running away, adolescent pregnancy and residential care.

Since 1974 the Alliance has worked very closely with two Republican and one Democratic Administration, as well as the Congress and local governments around the country, on the implementation of the Juvenile Justice Act.

The Juvenile Justice and Delinquency Prevention Act, passed by Congress with strong bipartisan support in 1974, joined with the then-existing Omnibus Crime Control and Safe Streets Act to marshal national focus on juvenile justice.

The two Acts were one integral part of a new federal approach to assisting state and local government, under President Nixon called "New Federalism".

In the 1974 Juvenile Justice Act, Congress clearly outlined two priorities—first status offenders were to be removed from secure facilities and second juveniles who were locked up were to be kept out of sight and sound from adult prisoners.

Participation in the program was and is voluntary by the states. Forty four chose to take federal funds to achieve these and other locally determined priorities. Consistent with Republican and Jeffersonian, philosophy, community participation in the development of these programs was to be assured by State Advisory Groups.

The Act also provided for a small, national demonstration program to discover new methods of working with delinquents, the Special Emphasis programs. Programs working with status offenders, with restitution, with youth not making it in schools, and delinquency prevention had been done. Local public and private youth agencies have operated these programs, and all of them were reviewed by either local or state government to insure coordination with existing programs.

We know that this type of partnership between the federal government and local government works in juvenile justice. In fact this program has received strong support and outstanding leadership from local government since it was passed, particularly the National Association of Counties and the League of Cities.

Thirty four of thirty seven states met compliance with the Juvenile Justice Act in 1980. Over thirty state legislatures voluntarily changed their juvenile codes, almost all of them in agreement with their Congressionally mandated program.

And we know the programs have worked from 1970-1975 total number of cases referred to an already overburdened juvenile justice system increased 28.8 percent. In the first three years of the Juvenile Justice Act it decreased 3.6 percent, including a drop of 21.3 percent in status offenders. This has begun to allow the resources of the juvenile justice system to be focused on delinquent youth, where they belong.

In the five years prior to the Act's implementation in 1975 rates for delinquency cases disposed of by juvenile courts increased by 15.2 percent. From 1975-1977 these cases increased only 2 percent. Overall detention rates decreased 14 percent between 1975-1977.

The amended Juvenile Justice Act of 1980 was also passed by Congress with strong bipartisan support. It kept the current relationship between the federal government and local government which has proven its effectiveness.

Congress agreed on two overriding priorities to be addressed next—the removal of children from adult jails and serious offenders. These priorities had the strong support not only of local government but also of nearly 100 national citizen and youth serving organizations, as well as American Legion, Chiefs of Police, Sheriff's Juvenile Court Judges and the ABA.

The overwhelming majority of these groups do not want the juvenile justice programs abolished, or put into a block grant where these two priorities, if not the entire program, could very well be lost. The United States locks up more youth per



capita than any country in the world keeping such statistics, other than the Soviet Union and South Africa.

The removal of children from adult jails and placement in juvenile detention facilities is a critical national priority. Those adult jails are training schools in crimes. They are also places of intolerable self-destruction by American young people.

The 1978 suicide rate for youth in these jails was 7 times that of youth in juvenile detention facilities, and 5 times that of the normal population. The normal suicide rate among youth is the highest of any age group in the nation, growing by over 200 percent in last twenty years.

Of the estimated 500,000 youth in adult jails, about 18 percent are status offenders, and 4 percent committed no crime at all. Of the remaining youth 88 percent were charged with property crimes and other minor charges. With ten states locking up 50 percent of all of these youth, significant progress can be made on the removal of children from adult jails with due concern for public safety.

Only a small percentage of delinquent youth are committing violent crime, perhaps 2 to 5 percent. As with adults, much of the serious crime is committed by repeat or "career" criminals.

If the Congress decides to keep the juvenile justice program, then local government will have the resources to address this issue. They say they need the assistance; local communities say they need the assistance.

The financial cost of not funding this program is sure to be higher than \$100 million. Local government unable to pursue alternatives to incarceration for appropriate youth will be forced to incarcerate more youth in a much more expensive method, or worse, let more delinquents return to the streets with no assistance. That's where the human cost in fear bears no proportion to not spending the money.

President Reagan has said programs will share the burden of cutbacks fairly. Over \$74 million in juvenile justice funds were slashed this year when Congress did not fund LEAA. To further cripple this program is irresponsible. Attorney General Smith last week told the House Appropriations Subcommittee that the Administration proposal "does not reflect on the caliber of the program".

It is a myth to think the private sector can pick this up. Corporation giving passed foundation giving in 1979 for the first time, with both giving about \$2.4 billion each. If corporations increase their giving by 10 percent (that is \$240 million), and their average growth in 1979 was 8.9 percent it will be less than 1 percent of the budget cuts the Senate is now approving.

In short Senator, we know this program works. We know it has strong support from local government and local communities.

The 1200 member agencies of the National Youth Work Alliance strongly support the continuation of the Juvenile Justice Program. Thank you for the opportunity to testify. I would be happy to answer any questions you may have.

#### RELATIVE COSTS OF JAIL SEPARATION OR JAIL REMOVAL FOR JUVENILES PRIOR TO ADJUDICATION BY THE JUVENILE JUSTICE SYSTEM

(By Charles P. Smith)

#### INTRODUCTION

This report assesses the relative costs of jail separation or jail removal for juveniles handled by the juvenile justice system prior to adjudication. The report was prepared by the National Juvenile Justice System Assessment Center of the American Justice Institute for the U.S. National Institute on Juvenile Justice and Delinquency Prevention through review of available literature and telephone interviews of national and State sources.

#### LIMITATIONS OF AVAILABLE INFORMATION

Precise national information on the numbers and characteristics of either "persons under 18" or "persons classified as juveniles" who are placed in jail before or after adjudication is not currently available because:

The maximum age of original jurisdiction (as of 1978) ranged from the sixteenth to the eighteenth birthday among the States. Further, duration of jurisdiction (as of 1978) varied from the eighteenth to the twenty-third birthday among the States (11, pp. 101, 109).

As of 1978, ten States provided for concurrent jurisdiction over juveniles in the juvenile and criminal court, ten States excluded certain offenses from original juvenile court jurisdiction, and all but three States permitted waiver of persons

from juvenile to criminal court jurisdiction at ages ranging as low as 13 (11, pp. 113, 119, 129).

The four major sources for such information (e.g., Bureau of the Census, American Correctional Association, the National Center for Juvenile Justice, and the Assessment Center on Alternatives to the Juvenile Justice System) use different samples, definitions, data elements, reporting periods, and criteria for what constitutes a jail placement.

The confidentiality of juvenile records makes access to detailed data difficult. The various reporting systems currently do not enable adequate distinction between a person placed once in a jail from those persons placed more than once during a reporting period or the same person who is in different stages of the process (e.g., before or after adjudication).

#### ESTIMATED AVERAGE LENGTH OF STAY IN JAILS AND OTHER PLACEMENT OPTIONS

The average length of stay for juveniles placed in jail during 1976 was 4.8 days according to respondents representing 16 States in a survey made by the National Center for Juvenile Justice (13, p. 109). The average length of stay for juveniles placed in short-term public detention facilities in 1977 was 12 days (16, p. 3).

#### ESTIMATED NUMBERS AND CHARACTERISTICS OF PERSONS UNDER 18 PLACED IN JAIL

In spite of the limitations described above, a preliminary estimate of the numbers and characteristics of persons under 18 classified either as a juvenile or as an adult can be made:

A one day count taken by the U.S. Bureau of the Census in February 1978 throughout the nation showed that 1,920 persons under 18 (including both those classified as adults and juveniles) were being held in what was classified as a jail which did not include temporary holding facilities that do not hold persons after being formally charged in court (14). By using the average length of stay in jail for juveniles indicated above of 4.8 days and this one day count, it is estimated that 374,125 persons under 18 were placed in jail for 24 hours or more in 1978.

The above one-day count in February, 1978 identified 1,611 persons classified as juveniles who were held in jail reflecting 1.0 percent of the total persons of all ages held in jail on that date prior or after adjudication (15, p. 3). By using the same average length of stay computation as was used above for persons under 18, it is estimated that 122,503 juveniles were placed in jail during 1978 for 24 hours or more.

This estimate of 122,503 juveniles held in jail during 1978 is consistent with the estimated 120,398 juveniles identified as being held in jail annually by the Assessment Center on Alternatives to the Juvenile Justice System using data from 47 States during 1972 through 1977 (3, p. 13). It is lower than the 257,097 juveniles who might be identified by multiplying the above average length of stay (of 4.8 days) and the "average daily population" of 3,381 juveniles reported for 1977 by the 442 (of 3,024) jurisdictions surveyed by the American Correctional Association (2, pp. 16-439). Of course, it is also lower than the 374,125 persons under 18 estimated above as having been held in jail in 1978 since the "persons under 18" category includes both persons classified as juveniles (not including those over 18 under juvenile court jurisdiction) or as adults (either due to a lower age of original criminal court jurisdiction or waiver to criminal court).

The 1978 jail census<sup>1</sup> showed that the frequency of jailing for juveniles varied dramatically among the States<sup>2</sup> with no juveniles in jail on that day in four States (District of Columbia, Maryland, Massachusetts and New Jersey), 10 or less juveniles in jail in eight States (Alaska, Georgia, Iowa, Maine, New Hampshire, North Dakota, Pennsylvania and Utah), and that 11 States (California, Indiana, Kansas, Kentucky, Mississippi, New York, Ohio, Tennessee, Texas, Virginia, and Wisconsin) held 60 or more juveniles for a total of 971 (or 60.3 percent) of the total 1,611 juveniles in jail (15, p. 3).

An estimated 7,800 juveniles were in jail (for 48 hours or more) on a given day in March 1970 according to a count taken by the Bureau of the Census (9, p. 4). Using the same average length of stay of 4.8 days as used above, it can be estimated that 593,125 juveniles were placed in jail during 1970. This figure is general consistent with the "up to 500,000" juveniles processed through local adult jails each year during 1970-1972 estimated by the National Assessment of Juvenile Corrections (9, p. 51).

<sup>1</sup> Eleven States detaining juveniles in large numbers.

<sup>2</sup> Not including five States (Connecticut, Delaware, Hawaii, Rhode Island and Vermont) who had integrated jail and prison systems.

Data collected by the National Juvenile Justice System Assessment Center from four States as part of preparing this report indicated that 43,356 person-under 18, including 29,665 persons classified as juveniles, were held in jail or police lockups prior to adjudication during either 1978 or 1979. 28.3 percent (or 12,265) of these persons were juveniles being held in police lockups, 40.1 percent (or 17,400) were juveniles held in jails and 31.6 percent (or 13,691) were 16-17 year olds held in jail in a State where persons of that age are classified as adults. This same data showed that, in one State, 90.6 percent of these persons considered as "non-delinquents" were kept in jail for 24 hours or less.

The characteristics of those juveniles or person under 18 held in jail during 1977 and 1978 can be suggested by using information available from several different sources: i.e.:

54.2 percent of the persons under 18 were held pending adjudication (14).<sup>1</sup>

34.2 percent of the persons under 18 were held for an alleged or adjudicated violent offense (14)<sup>1</sup> as compared to 83 percent of the juveniles held for such an offense (5).<sup>2</sup>

43.3 percent of the juveniles held had no known prior court contacts (5).<sup>3</sup>

79.4 percent of the juveniles held were referred by law enforcement personnel (5).<sup>3</sup>

82.7 percent of the juveniles held were male (15, p. 3).<sup>2</sup>

83.1 percent of the juveniles held were between the ages of 14 and 17, with the remainder either 13 and under (6.8 percent) or over 18 (10.1 percent) (5).<sup>3</sup>

81.4 percent of the juveniles held were white (5).<sup>3</sup>

The above data suggests that:

A substantial number of juveniles are still processed through jails in many States (even though many States have eliminated or minimized such jailing entirely), and the reduction in the age of jurisdiction plus the expansion of waiver is causing more persons under 18 to be placed in jail—with all factors indicating that, almost as many persons under 18 are possibly being processed through jail in 1978 as in 1970.

The number of juveniles or persons under 18 exposed to a jail or police lockup experience of 24 hours or less is substantially under represented since the national jail census does not count such experiences, yet some data indicates that a high proportion of juveniles jailed are held for 24 hours or less.

An unusually high number of persons under 18 were held in jail pending adjudication in relation either to the severity of the offense or the presence of a prior record.

#### PROGRESS ON SEPARATION OF JUVENILES FROM ADULTS IN JAILS

Section 223(a)(12) of the U.S. Juvenile Justice and Delinquency Prevention Act of 1974, as amended, provides that juveniles alleged or found to be delinquents or non-offenders should not be detained or confined in any institution in which they have regular contact with adult persons convicted or awaiting trial for criminal charges. As of January 1980, only 15 of the 57 eligible jurisdictions reported "progress," seven reported "no progress," eight provided "inadequate information" and six are "not participating" (10, p. 41).

It is believed that this lack of progress is due to primarily to the limited funds available for construction or modification of facilities to meet the requirement.

#### RECIDIVISM RATES FOR JUVENILES PLACED IN JAIL AS COMPARED TO OTHER ALTERNATIVES

National data is not available that compares recidivism of juveniles who are placed in various custodial alternatives prior to adjudication. However, a study in Massachusetts found that the highest recidivism (based on receipt of a new probation sentence or a recommitment) among juveniles committed to various program types were for those placed in jails (71 percent) or secure care facilities (67 percent). The lowest recidivism were for those placed in foster care programs (41 percent), nonresidential programs (45 percent) and group homes (46 percent). The same study concluded that "since around 80 percent of the youth are in relatively open settings with relatively low recidivism rates . . . it is possible to put the majority of youth in open settings without exposing the community to inordinate danger" (3, p. 2).

<sup>1</sup> Based on the proportion reflected in the 1978 one-day count of persons under 18 held in jail.

<sup>2</sup> Based on the proportion reflected in the 1978 one-day count of juveniles held in jail.

<sup>3</sup> Based on the estimated total number of juveniles referred to juvenile court intake who were in a jail or police lockup overnight in 1977.

# LIKELY SECURE PLACEMENTS NEEDED PRIOR TO ADJUDICATION

The Uniform Crime Reports indicate that arrests for a violent offense in 1977 were made of 81,695 persons under 18 (including those who are classified as adults in some States) (10, p. 79). Such arrests involved only 3.7 percent of all 1977 arrests for persons under 18 (1, p. 37).

According to National Center for Juvenile Justice data, 73.9 percent or 1,853,627 of the 2,508,961 persons under 18 processed by the juvenile justice system in 1977 were diverted away from further formal handling prior to adjudication (10, p. 22).

Of the persons under 18 adjudicated for a violent offense by the juvenile court in 1977, placement in a delinquent institution was made for 13.2 percent of those adjudicated for murder, 8.4 percent of those adjudicated for forcible rape, 10.9 percent for those adjudicated for robbery, and 3.8 percent for those adjudicated for aggravated or simple assault (1, p. 63).

Although serious offenders (including those who commit serious offenses or who are chronic offenders) constitute a small part of all juvenile offenders, they are responsible for a disproportionate share of juvenile crime. In the classic research carried out by Wolfgang and his colleagues, it was found that 6 percent of the total cohort was responsible for 52 percent of the total number of offenses, 53 percent of the personal injury offenses, and 71 percent of all the robberies committed by the cohort. In another study, Strasburg found that juveniles with five or more arrests

were charged with 85 percent of all offenses committed by the sample . . . including 82 percent of all violent offenses." Further, as the Task Force on Crime of the Violence Commission observed in 1969, "When all offenders were compared, the number of hardcore offenders is small relative to the number of one-time offenders, yet the former group has a much higher rate of violence and inflicts considerably more serious injury." Finally, Vachss and Bakal observe that, "No more than 6 percent of young people charged with delinquency can be called 'violent,' yet, despite their small percentage these deeply disturbed young people are responsible for as much as two-thirds of the total of serious offenses committed by persons under the age of seventeen."

A strategy frequently proposed for the serious juvenile offender is incapacitation. James Q. Wilson has stated that "If much or most serious crime is committed by repeaters, separating repeaters from the rest of society, even for relatively brief periods of time, may produce major reductions in crime rates." Shinnar speculates that, "[T]he rate of serious crime would be only one-third of what it is today if every person convicted of a serious offense were imprisoned for 3 years." Conversely, Van Dine, Conrad and Dinitz carried out a careful study to determine the effectiveness of a policy of incapacitation and concluded that, "It must not be expected that a policy of incapacitation will result in a significant statistical reduction in the rate of violent crime."

Shannon also examined 26 variables in an analysis of the seriousness of juvenile offenses and concluded that it is erroneous to assume "that statistically significant relationships and reasonably high correlations translate into the ability to predict continuity in behavior." Monahan, in a review of prediction studies, concludes that between 65 percent and 99 percent of those predicted to be dangerous or violent do not go on to commit such an act.

Feld states that "virtually every incarcerated juvenile will eventually return to the community, and it is imperative for both the community and the individual that the period of separation not be a source of harm, injury, or irreconcilable estrangement" (1, pp. 28-32).

Based upon the above findings, as well as information from the 1977 Massachusetts Task Force on Secure Facilities, the National Council on Crime and Delinquency, and the US Children's Bureau, it is estimated that 10 percent of those juveniles alleged to have committed an offense would require secure detention prior to adjudication (9, p. 2; 4, pp. 542-543).

## PROBABILITY THAT JUVENILES PLACED IN NON-SECURE SETTINGS PENDING ADJUDICATION WILL RUN AWAY

National data is not available comparing runaway rates among juveniles placed in all types of custodial alternatives pending adjudication. However, a study of 11 programs that functioned as alternatives to incarceration prior to adjudication showed that runaways in 1976 ranged from 0.0 to 10.0 percent with a average of 4.1 percent (6, p. 125).

## COST ELEMENTS

Average costs per day for several different forms of juvenile care and custody in 1977 dollars are home detention, \$11, attention home, \$17, small group home, \$18, jail, \$24; shelter, \$34; secure detention (10, p. 48) \$61.<sup>6a</sup>

Variables affecting custody costs include security level, residential or non residential placement, degree of community isolation, services provided in program or out of program, staff, juvenile ratio, sex of person in custody, percent of capacity, and recidivism rate (12, pp. 172-183, 193).

Per bed construction cost for new large (e.g., 400 bed) high security facility in 1977 was estimated at \$52,000 (12, p. 192). Per bed construction cost for a new or modified small medium security facility for a jail is estimated to be 80 percent of that—or \$41,600. Due to severe wear on such facilities, and rapid remodeling or replacement, a five year amortization is assumed.

## COMPARATIVE COST ANALYSIS

Based upon the above information, the cost analysis shown in Table 1 (using 1977 figures) can be made of jailing juveniles (with the required separation from adults) as compared to some alternative strategies. Table 1, reflects relevant variables (e.g., length of stay, cost per day, recidivism percentage) that impact on juveniles handled in five different custody alternatives. The computation shows that continuing present jailing practices would cost \$24,132,109 for that group of juveniles over a two year period as compared to \$28,882,633 for removing all juveniles from jail and placing 10 percent in secure detention and the balance in small group homes.

Two other options are prohibitively expensive (e.g., placing all now jailed into secure detention would cost \$149,752,567 and providing for complete separation in jails from adults would cost \$36,198,141). The placement of all persons into group homes is considered unacceptable since some persons are deemed to likely require some secure custody.

The above formula does not account for possible costs that may be due to factors such as delay in court processing and availability of bail. However, these (and other) factors could be included into a local computation of relative costs and benefits—including a modification of any of variables in the above computation if desired.

## RECOMMENDATIONS

Based upon the above assessment, it is recommended (for economic and programmatic reasons) that:

All juveniles handled by the juvenile justice system prior to adjudication should be placed outside of a jail and that only approximately 10 percent of these juveniles would require placement in a secure detention facility.<sup>1</sup>

Policies and procedures should be established to adequately screen out those persons not requiring placement in a secure detention facility.

Existing funds should be reallocated to accomplish both of the above.

TABLE 1 COMPARATIVE COST OF PREADJUDICATION CUSTODY FOR JUVENILES, INCLUDING INITIAL RECIDIVISM

	1 Continue jailing as at present with partial separation	2 Continue jailing as at present with complete separation	3 Put all now jailed into secure detention	4 Put all now jailed into small group homes	5 Remove all now jailed and divide according to risk	
					90 percent into small group home	10 percent into secure detention
Juveniles jailed per year	122,503	122,503	122,503	122,503	110,253	12,250
Average days length of stay	× 48	× 48	× 12	× 48	× 48	× 12
Person days	588,014	588,014	1,470,036	588,015	529,214	147,000
Cost per day	× \$24	× \$36	× \$61	× \$18	× \$18	× \$61
Initial annual cost	\$14,112,345	\$21,168,504	\$89,672,196	\$10,584,270	\$9,525,852	\$8,967,000
Recidivism percentage	× 71	× 71	× 67	× 46	× 46	× 67
Subsequent annual cost	\$10,019,764	\$15,029,637	\$60,080,371	\$4,868,764	\$4,301,891	\$6,007,890

Footnote at end of table.

<sup>1</sup> This recommendation is consistent with those made by the Children's Defense fund in their 1976 report "Children in Adult Jails" (7, p. 5)



TABLE 1. COMPARATIVE COST OF PREADJUDICATION CUSTODY FOR JUVENILES, INCLUDING INITIAL RECIDIVISM—Continued

	1. Continue placing as at present with partial separation	2. Continue placing as at present with complete separation	3. Put all now jailed into secure detention	4. Put all now jailed into small group homes	5. Move all now jailed and divide according to risk	
					90 percent into small group home	10 percent into secure detention
Total 2 year cost.....	\$24,132,109	\$36,198,141	\$149,752,567	\$15,453,034	\$13,907,743	+\$14,974,950 - \$28,882,633

Assumes that 50 percent of juveniles are currently being placed in jails that do not meet separation criteria; thus, the capital outlay costs to meet the separation criteria are estimated to add an additional \$12 per day (based on the following calculation: \$4,500 per bed cost ÷ 5 years amortization = \$932 annual cost ÷ 365 days per year = \$2.54 per day cost ÷ .50 percent for those additional persons who need separation = \$12.70 per day).

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## CENSUS OF JAILS AND SURVEY OF JAIL INMATES, 1978

## PRELIMINARY REPORT

More than 158,000 persons were being held in the Nation's locally operated jails as of February 1978, an increase of 12 percent over the 1972 total. The latest profile of jail inmates reflected the traditional, two fold function of a jail, a place for the temporary detention of the unconvicted and a confinement facility where many convicted persons—predominantly misdemeanants—serve out their sentences.<sup>1</sup> About 6 of every 10 jail inmates had been convicted of a crime.<sup>2</sup> In all, roughly three-fourths of such inmates had entered guilty pleas—many after plea bargaining—rather than standing trial, and the remainder had been judged guilty. Compared with State and Federal prisons, jails held a much smaller percentage of inmates for violent crimes, but larger proportions for property, and public order offenses.

Some 4 out of every 10 jail inmates stood accused but not convicted of a crime, and about one-fifth of this group did not have a lawyer at the time of the survey. Most of those who had counsel (82 percent) were being represented by court-appointed lawyers, public defenders, or legal aid attorneys. Four-fifths of all unconvicted inmates remained in jail even though bail had been set for them by the authorities.

Whites outnumbered blacks in the Nation's jails, but the proportion of blacks in jail far exceeded their 12-percent share of the U.S. population. Inmates belonging to other minority races accounted for some 2 percent of all jail inmates. As in 1972, the 1978 jail population consisted predominantly of males.

The vast majority of inmates were young, men in their twenties. Three out of five had not completed high school, and 43 percent were jobless prior to being jailed. Not surprisingly, their reported average income was extremely low—a median of only \$3,255 during the year prior to arrest. One in four had a record of military service, most of them during the Vietnam era.

Sixteen percent of the inmates admitted to being regular heroin users, and another 10 percent had used heroin occasionally at some time during their lives.

Nearly half of the Nation's 3,493 jails, holding about 43 percent of the inmates, were in the South. For every 100,000 inhabitants in the Nation as a whole, there were 76 inmates held in locally operated jails, on a regional basis, the highest ratio was in the West, the lowest in the North Central States.<sup>3</sup> Among the 45 States having jails, Georgia, Nevada, Alabama, and Louisiana ranked highest in the ratio of inmates to population, but none of these States was among the top four in terms of the total jail population. California, Texas, New York, and Florida each held at least 10,000 persons in jail, California, with more than 26,000 inmates, held more than twice as many as each of the other three States.

<sup>1</sup>In this report, a jail consists of a confinement facility administered by a local law enforcement agency intended for adults but sometimes also containing juveniles, which holds persons detained pending adjudication and or persons committed after adjudication for sentences usually of a year or less. Temporary holding facilities or lockups, that do not hold persons after being formally charged in court usually within 48 hours of arraignment are excluded.

<sup>2</sup>Information gathered from administrative records used in conducting the 1978 National Jail Census yielded another distribution, approximately 50 percent each for convicted and unconvicted, on the detention status of inmates. The nature of the difference will be discussed in future reports.

<sup>3</sup>Five States—Connecticut, Delaware, Hawaii, Rhode Island, and Vermont—had integrated jail-prison systems and, therefore, were excluded in calculating the rate of inmates per 100,000 population at the regional and national levels. Alaska, which had 6 locally operated jails in addition to an integrated jail-prison system, was included in the calculation.

TABLE 3 — NUMBER OF JAILS AND JAIL INMATES, BY REGION AND STATE AND BY INMATE SEX, LEGAL STATUS (ADULT OR JUVENILE), AND RATIO TO GENERAL POPULATION, 1978

Regional and State	Jails	Inmates									Rate per 100,000 population
		All inmates			Adults			Juveniles			
		Total	Male	Female	Total	Male	Female	Total	Male	Female	
United States, total	3,493	158,394	148,839	9,555	156,783	147,506	9,277	1,611	1,333	278	76
Northeast	207	24,228	23,039	1,189	21,129	22,984	1,145	99	55	44	54
Maine	13	325	316	9	319	310	9	6	6	0	30
New Hampshire	11	370	347	23	362	340	22	8	7	1	43
Vermont											
Massachusetts	15	2,317	2,281	36	2,317	2,281	36	0	0	0	40
Rhode Island											
Connecticut											
New York	72	10,936	10,302	654	10,852	10,261	591	84	41	43	61
New Jersey	28	3,873	3,648	225	3,873	3,648	225	0	0	0	53
Pennsylvania	68	6,407	6,145	262	6,406	6,144	262	1	1	0	54
North Central	1,042	28,452	26,687	1,765	27,937	26,256	1,681	515	431	84	49
Ohio	150	5,465	5,109	356	5,377	5,035	342	88	74	14	51
Indiana	90	2,453	2,334	119	2,301	2,200	101	152	134	18	46
Illinois	100	5,781	5,499	282	5,758	5,476	282	23	23	0	52
Michigan	93	5,729	5,282	447	5,708	5,262	446	21	20	1	63
Wisconsin	70	1,926	1,806	120	1,864	1,767	97	62	39	23	41
Minnesota	65	1,517	1,431	86	1,504	1,421	83	13	10	3	38
Iowa	91	564	611	53	654	603	51	10	8	2	23
Missouri	133	2,849	2,668	181	2,829	2,652	177	20	16	4	60
North Dakota	39	118	105	13	117	105	12	1	0	1	18
South Dakota	44	276	258	18	253	243	10	23	15	8	40
Nebraska	77	576	647	29	638	611	27	38	36	2	44
Kansas	86	988	937	61	934	881	53	64	56	8	43
South	1,678	67,444	63,992	3,452	66,775	63,429	3,355	669	572	97	98
Alabama											
Arkansas											
Florida											
Georgia											
Louisiana											
Mississippi											
North Carolina											
South Carolina											
Texas											
Virginia											
West Virginia											
District of Columbia	25	3,553	3,418	135	3,553	3,418	135	0	0	0	86
	2	1,407	1,292	115	1,407	1,292	115	0	0	0	208

Virginia	92	4,232	7,059	173	4,077	3,907	170	155	152	3	84
West Virginia	54	-1,066	1,017	49	1,044	996	48	22	21	1	57
North Carolina	95	2,798	2,635	163	2,766	2,615	151	32	20	12	51
South Carolina	68	2,362	2,281	81	2,328	2,256	72	34	25	9	84
Georgia	223	8,278	7,933	345	8,269	7,925	344	9	8	1	165
Florida	112	10,305	9,615	690	10,263	9,576	687	42	39	5	122
Kentucky	111	2,149	2,024	125	2,089	1,968	121	60	56	4	62
Tennessee	111	4,553	4,330	223	4,492	4,287	205	61	43	18	106
Alabama	108	5,049	4,903	146	5,027	4,883	144	22	20	2	137
Mississippi	94	2,427	2,310	117	2,359	2,260	99	68	50	18	102
Arkansas	92	1,334	1,261	73	1,277	1,211	66	57	50	7	62
Louisiana	93	5,232	4,996	236	5,217	4,985	232	15	11	4	134
Oklahoma	102	1,704	1,550	154	1,676	1,529	147	28	21	7	61
Texas	296	10,995	10,368	627	10,931	10,312	619	64	56	8	36

West	566	38,270	35,121	3,149	37,942	34,846	3,096	328	275	53	100
Montana	58	324	304	20	304	289	15	20	15	5	43
Idaho	45	539	508	31	498	477	21	41	31	10	62
Wyoming	31	268	243	25	244	230	14	24	13	11	66
Colorado	61	1,681	1,598	83	1,658	1,576	82	23	22	1	65
New Mexico	38	794	741	53	755	711	44	39	30	9	67
Arizona	39	2,501	2,163	338	2,484	2,150	334	17	13	4	108
Utah	24	676	643	33	675	642	33	1	1	0	53
Nevada	22	912	821	91	896	810	86	16	11	5	144
Washington	59	2,453	2,273	180	2,437	2,257	180	16	16	0	68
Oregon	48	1,872	1,750	122	1,855	1,737	118	17	13	4	78
California	135	26,206	24,036	2,170	26,093	23,927	2,166	113	109	4	120
Alaska <sup>1</sup>	6	44	41	3	43	40	3	1	1	0	11
Hawaii <sup>1</sup>											

Five States—Connecticut, Delaware, Hawaii, Rhode Island, and Vermont—had integrated jail-prison systems and, therefore, were excluded in calculating the rate of inmates per 100,000 population at the regional and national level. Alaska which had 6 locally operated jails in addition to an integrated jail-prison system, was included in the calculation.

Data presented in this preliminary report came from the 1978 National Jail Census and the companion Survey of Inmates of Local Jails, both of which were conducted by the U.S. Bureau of the Census for the Law Enforcement Assistance Administration under the National Prisoner Statistics program. Comparative data for 1972 were taken from the National Jail Census for 1972 and its accompanying Survey of Inmates of Local Jails. Detailed findings from the 1978 census and survey, as well as methodological information, will be presented in forthcoming reports. Data in this report are subject to revision.

TABLE 1—SELECTED DEMOGRAPHIC AND SOCIOECONOMIC CHARACTERISTICS OF JAIL INMATES, 1978

Characteristic	Number	Percent
<b>Sex</b>		
Total	158,394	100
Male	148,839	94
Female	9,555	6
<b>Age</b>		
Total	158,394	100
Under 30	110,166	70
30 and over	48,228	30
Median	25.3	
<b>Race</b>		
Total	158,394	100
White	89,418	57
Black	65,104	41
Other	3,873	2
<b>Education</b>		
Total	158,394	100
Less than 12 years	56,265	36
12 years or more	61,943	39
Not available	187	(.1)
Median	10.2	
<b>Prearrest employment status</b>		
Total	158,394	100
Employed	89,526	57
Not employed	68,101	43
Not available	767	(.1)
<b>Prearrest annual income</b>		
Total		
Under \$3,000	72,253	46
\$3,000-\$9,999	158,394	100
\$10,000 or over	56,802	36
Not available	21,393	13
Median	7,947	5
<b>Military service</b>		
Total	158,394	100
Served	39,861	25
Never served	118,486	75
Not available	48	(.1)

Footnote at end of table.

TABLE 1.—SELECTED DEMOGRAPHIC AND SOCIOECONOMIC CHARACTERISTICS OF JAIL INMATES, 1978—Continued

Characteristic	Number	Percent
Heroin use		
Total	158,394	100
Regular heroin user	25,815	16
Occasional heroin user	15,445	10
Never used heroin	115,441	73
Not available	1,693	1

<sup>1</sup> Less than 0.5 percent. Detail may not add to total shown because of rounding.

TABLE 2.—SELECTED OFFENSE-RELATED CHARACTERISTICS OF JAIL INMATES, 1978

Characteristic	Number	Percent
Detention status		
Total	158,394	100
Unconvicted	66,936	42
Convicted	91,411	58
Unknown	47	( <sup>2</sup> )
Offense		
Total	158,394	100
Violent	46,944	30
Property	65,455	41
Drug	13,586	9
Public order	30,088	19
Other	2,320	1
Bail status of unconvicted inmates		
Total	66,936	100
Bail set	54,304	81
Bail not set	11,607	17
Not available	1,026	2
Legal representation of unconvicted inmates		
Total	66,936	100
With counsel	51,572	77
Own lawyer	9,125	14
Provided with lawyer	42,183	63
Not available	264	( <sup>2</sup> )
Without counsel	14,443	22
Not available	921	1
Method of conviction		
Total	91,411	100
Pleaded guilty	70,045	77
Original charge changed	26,952	30
Original charge retained	41,899	46
Not known	1,193	1
Judged guilty	20,075	22
Not available	1,291	1

<sup>1</sup> See text footnote two.

<sup>2</sup> Less than 0.5 percent. Detail may not add to total shown because of rounding.

TABLE 11 — NUMBER OF STATUS OFFENDERS DETAINED ANNUALLY IN DETENTION CENTERS AND JAILS, BY STATE

State	Number	Year
Alabama	3,644	1975
Alaska		
Arizona	3,653	1975
Arkansas	1,585	1975
California	41,200	1975
Colorado	6,061	1975
Connecticut	820	1975
Delaware	774	(*)
District of Columbia	750	1977
Florida		
Georgia	5,570	1975
Hawaii		
Idaho		
Illinois	1,311	1977
Indiana	3,212	1975
Iowa		
Kansas	479	(*)
Kentucky	1,199	1974
Louisiana	2,214	1977
Maine	1,697	1975
Maryland	685	(*)
Massachusetts	617	(*)
Michigan	885	1975
Minnesota	4,844	1975
Mississippi	3,108	1977
Missouri	667	1975
Montana	3,887	1975
Nebraska	990	1977
Nevada	185	1975
New Hampshire		
New Jersey	154	1975
New Mexico	0	1976
New York	3,792	1975
North Carolina	2,315	1975
North Dakota	3,322	1975
Ohio		
Oklahoma	8,385	1975
Oregon		
Pennsylvania	5,070	1975
Rhode Island	2,499	1975
South Carolina	113	1975
South Dakota	2,232	1975
Tennessee	759	1975
Texas	5,052	1975
Utah	12,234	1976
Vermont		
Virginia	75	1975
Washington	4,914	(*)
West Virginia	8,104	(*)
Wisconsin	861	1975
Wyoming	7,916	1974
Total	167,767	

\* Excerpted from "Juvies in Detention Centers and Jails" by John E. Poole, John L. Lewis, Tom M. Young, and Donnell M. Pappenfort.

† Fiscal year 1974-75.

‡ Fiscal year 1975-76.

§ Fiscal year 1976-77.



## SURVEY OF LOCAL JAILS

Complied by U.S. Bureau of the Census, Criminal Statistics Division, February 1978)

Compilation of the number of juveniles in local jails on the date of the survey in February 1978. Only those incarcerated for a period of 48 hours or more are included.

Note — Survey is indicative of those persons subject to juvenile court proceedings by each state as it defines juveniles and seriousness of offense. This varies from state to state as some states end the juvenile court's jurisdiction over juveniles as early as age 13.

According to this tabulation there were 1611 juveniles in local jails in February of 1978.

Note — This survey did not include states with integrated jail and prison systems. (Hawaii, Delaware, Vermont, Connecticut, and Rhode Island).

Maine.....	6
New Hampshire.....	8
Massachusetts.....	0
New York.....	84
New Jersey.....	0
Pennsylvania.....	1
Ohio.....	88
Indiana.....	152
Illinois.....	23
Michigan.....	21
Wisconsin.....	62
Minnesota.....	13
Iowa.....	10
Missouri.....	20
North Dakota.....	1
South Dakota.....	23
Nebraska.....	38
Kansas.....	64
Maryland.....	0
District of Columbia.....	0
Virginia.....	155
West Virginia.....	22
North Carolina.....	32
South Carolina.....	34
Georgia.....	9
Florida.....	42
Kentucky.....	60
Tennessee.....	61
Alabama.....	22
Mississippi.....	68
Arkansas.....	57
Louisiana.....	15
Oklahoma.....	28
Texas.....	64
Montana.....	20
Idaho.....	41
Wyoming.....	24
Colorado.....	23
New Mexico.....	39
Arizona.....	17
Utah.....	1
Nevada.....	16
Washington.....	16
Oregon.....	17
California.....	113
Alaska.....	11

<sup>1</sup>Alaska, although it operates under an integrated system, also has six (6) locally operated jails.

Senator SPECTER. Mr. Levine, welcome. As another fellow Philadelphian, we welcome you here. We will be pleased to hear from you.

TESTIMONY OF THEODORE LEVINE, EXECUTIVE DIRECTOR,  
YOUTH SERVICE, INC.

Mr. LEVINE. I am Theodore Levine. I am executive director of Youth Service, Inc., in Philadelphia. I speak in behalf of the Child-Welfare League of America.

Let me just quickly get the basic position for the record, and that is to maintain the Juvenile Justice and Delinquency Prevention Act to administer the program in the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice and to fund the program with at least \$100 million for fiscal year 1982.

I now want to say a few words about block granting and some personal experiences.

I think it is important to note that the appropriation for those programs which are designated as going into the block grant was over \$5 billion; whereas, under block granting it will be \$3.8 billion, and that in effect the OJJDP, if it is put into the block, is not bringing any money with it. Therefore, it is very clear that the damage will be overwhelming.

There is an aspect to block granting which has not been touched upon which I want to mention. There is no question about the competing funds, and many people have referred to it.

I am concerned about the whole issue of so-called planning, bringing planning closer to the people—for example, at the State level.

While there is no question about certain benefits to that, I think there are some potential problems which I would like to mention.

My experience as a Federal official revealed several occasions where, had it not been for strict regulatory requirements, the intent of Federal social service legislation could not be met. This is not because State people are evil or less caring. It is because there are great fiscal pressures on the States, and loosely regulated and monitored Federal dollars are eagerly sought.

There is a long history of struggle between States rights and Federal requirements. I do not wish to sound paranoid, but I do have some concern about a thrust toward States rights and State determination of matters which can indeed spill over into a range of issues that the Federal Government has struggled long and hard to secure for people in this country.

I believe children throughout the land should not have the extent to which they will have health, education, or social services available to them to be a function of the State in which they happen to live.

Clearly defined national goals in regard to the health, education, and welfare of the Nation's children with sufficient funding for the provision of properly trained personnel and resources to meet these goals are urgently needed.

Senator SPECTER. Mr. Levine, have you submitted a formal statement?

Mr. LEVINE. Yes.

Senator SPECTER. We will make that part of the record following your oral presentation. If you have any other highlight, please add that.

Mr. LEVINE. I do, yes. There has been a lot of discussion about the status offender. I do not want ever to return to those pre-Gault

decision days when young people, for questionable charges or offenses, could be sent to a State correctional school for indeterminate sentence.

However, we have a series of problems. There are young people in our communities who are in grave danger of seriously harming themselves and others. Some of the so-called status offenses are behaviors which are symptomatic of very serious difficulties. The 14-year-old girl who is a chronic runaway, is sexually promiscuous with peers or older men, is not attending school regularly, is failing all subjects and reads at a second grade level is in deep trouble and cannot be dismissed as "a mere status offender."

The 16-year-old male who cannot be disciplined——

Senator SPECTER. What is your point on this?

Mr. LEVINE. My point is that children who need to be stopped and need help should not have to wait until they commit an adjudicable offense in order to get the necessary help.

Senator SPECTER. How does this program direct itself toward that?

Mr. LEVINE. I don't think there is sufficient attention to that. I am using this occasion to expand what is a very real concern of mine, the large number——

Senator SPECTER. Is that something which this program relates to?

Mr. LEVINE. I think it does; yes.

Senator SPECTER. How so?

Mr. LEVINE. It has——

Senator SPECTER. As it currently exists with current funding, is it directing attention toward the problem you just identified?

Mr. LEVINE. I think it is in its attention to the status offender. I think, however, if I may offer a criticism of the program, in its attention to the status offender and its desire appropriately to remove that child from the juvenile justice system, it has perhaps not taken sufficient attention to the very serious nature that that child represents and the potential that that child represents for popping up at a later date as an adult offender or as a psychiatric casualty.

Senator SPECTER. Thank you very much. We will have to move on.

[Mr. Levine's prepared statement follows:]

#### PREPARED STATEMENT OF THEODORE LEVINE

The Child Welfare League of America believes that children and youth are best served by:

Maintaining the Juvenile Justice and Delinquency Prevention Act; Administering the program in the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice; and

Funding the program with at least \$100 million for fiscal year 1982.

My name is Theodore Levine, and I am Executive Director of Youth Service, Inc., a multi-service child welfare agency located in Philadelphia, Pennsylvania. Youth Service is a member agency of the Child Welfare League of America, Inc., and I am appearing today on behalf of the Child Welfare League, a voluntary organization with nearly 100 voluntary and public child welfare affiliates in the United States and Canada. My agency is a member of the Pennsylvania Council of Voluntary Child Care Agencies, and through the Council's membership in the Office of Regional, Provincial, and State Child Care Associations (ORPSCCA), a division of the Child Welfare League, my comments reflect the views of over 1,600 additional agencies which provide services to children and their families.

Youth Service, Inc., is a voluntary child welfare agency in Philadelphia, Pennsylvania. At the core of our program are five community based group homes which service a combined total of 50 teenage young men and women who have been adjudicated either delinquent or neglected. In addition to our group homes, we serve, at any one time, 30 children in short term and long term foster family homes and 25 adolescent unwed mothers and babies in apartments. The agency also provides an intensive service to children in their own homes in an attempt to strengthen the families and avoid the need of placing the child. We are governed by a board of directors composed of citizens from all walks of life in Philadelphia. We are supported by a combination of voluntary and public funds. This includes the receipt of funds from United Way of Southeastern Pennsylvania, our own endowment, the city of Philadelphia, the Commonwealth of Pennsylvania, and, of course, this includes federal funds.

I am pleased to appear before you today, and to offer comments on the Juvenile Justice and Delinquency Prevention Act. The Child Welfare League supported the original passage of the Act in 1974, as well as the amendments of 1977, and the reauthorization of 1980. The Child Welfare League has on record a policy statement regarding the reauthorization of the Act:

"The Child Welfare League supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act, and authorizes staff to proceed with the reauthorization process by giving top priority to the placement of the Office of Juvenile Justice and Delinquency Prevention within the department which will give the program needed visibility and importance."

#### THE SUCCESS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

The Child Welfare League has had a unique opportunity to assess the success of the Juvenile Justice and Delinquency Prevention Act. A survey undertaken by the Office of Regional, Provincial and State Child Care Associations, a division of the Child Welfare League, indicated that the majority of our affiliates were serving dependent neglected children and youth alongside of juvenile delinquents and status offenders—in other words, were commingling children irrespective of their labels, in non-secure facilities with an eye to the service needs of the individual youth. Professionals in the child caring field have long insisted that labeling of children and placement based on those labels does not meet the service needs of children and youth. Labeling is not only arbitrary, but serves to stigmatize children and youth. The fact that treatment and service needs can be obscured by labels imposed on youth is put very succinctly in Morris Fritz Mayer's "Group Care of Children. Crossroads and Transition:"

"The assumption that status offenses—truancy, runaway, drug abuse, alcoholism—are different from car thefts and burglary may be correct legally. Psychologically, it may not be. There are many juvenile car thieves and burglars who are more readily amenable to treatment than are chronic juvenile drug abusers or vagrants." (Group Care of Children. Crossroads and Transition, p. 261.)

The Child Welfare League believes that the Juvenile Justice Act and specifically Title I of the Act adhere to these principles.

The Juvenile Justice Act has been a success. The Child Welfare League has spent five years working on a piece of legislation which became P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980. We have watched the progress of aiding children in the foster care system, and can account for the necessity of a targeted program for children and youth. Over the years the foster care system became bloated with children for whom no services or prevention were available. The Juvenile Justice Act, however, has clearly mandated the need for care of youth in small, community based facilities which are close to the families of the youths. With a very small amount of money—\$100 million—the juvenile justice program has made great strides in the areas of prevention, deinstitutionalization, and statutory change at the state level. We would like to present some of the reasons for this success:

The juvenile justice programs benefit from a high level of volunteer commitment. Citizen involvement has accounted for the strides in deinstitutionalization, in the success of the planning (through the State Advisory Groups), and for the overall support for the Act.

The program is targeted in its approach, and has clear goals for the states—the goals of deinstitutionalization and removal of juveniles from adult jails.

The mandates and the timelines within the Act have provided a catalyst for the many groups involved in the juvenile justice system—the police, the sheriffs, the Juvenile and Family Court Judges, the service providers, the advocacy groups, the Criminal Justice Councils, etc. to work together towards a common goal.

The Child Welfare League would also like to point out that even though the funding for juvenile justice programs has been small in comparison to other programs for children and youth, it is nonetheless important to the states. The \$100 million and the mandates of the Act work to insure that cost-effective methods of dealing with youths who enter the juvenile justice system are employed, rather than the costly alternative of institutional care. There is considerable difference between the sums of \$24,000 to \$43,000 for institutional care versus an average community-based care cost of \$5,501 or even the \$1,000 cost per participant in a restitution project. (See Tables I and II). And the "seed" money provided by the Juvenile Justice funds is important to overall programming for youth—both in terms of prevention which is cost effective, and for less costly means of care.

The Federal Coordinating Council which was created by the 1974 passage, and enlarged by the 1980 reauthorization provides for the kind of coordination of federal children and youth programs which the League has always felt was necessary. Joint projects funded cooperatively by the departments will provide programs which target youth as the Council provided a forum for discussion of policy issues which affect youth; and which are best served by a broad array of agencies' best talent. An example would be the unaccompanied Cuban Minors which OJJDP, HHS, and the Immigration and Naturalization Service worked together to serve. The Federal Coordinating Council has great potential and should be retained and maintained.

#### PROBLEMS OF PHASING OUT OJJDP

The Child Welfare League has had a considerable experience with block grants. We participated in the passage of Title XX, the social service funding stream of the Social Security Act, and have monitored its progress for the five years since enactment through our Hecht Institute for State Child Welfare Planning. The Title XX has been very important to social service; however, there is only a limited amount of this money going to agencies serving youth, as distinct from children. According to the "Technical Notes: Summaries and Characteristics of States' Title XX Social Services Plans for Fiscal Year 1979", only 2.8 percent of the Title XX funds went to Youth Services (see attached pie chart). Granted, the reason for this limited participation is due to the fact that there were many other programs which target service dollars to youth (most noticeably the Juvenile Assistance Act and the Runaway and Homeless Youth Act), but this limited share of the dollars will probably remain the same should the juvenile justice program be folded into a block grant.

In addition, we wish to alert this Subcommittee to the fact that there is a projected 25 percent cut in the Title XX service dollars, and this is a conservative estimate. Title XX is slated to become part of the Social Service Block Grant, along with twelve other programs (including juvenile justice). The funding for Title XX for Fiscal Year 1982 was to have been \$3 billion, and this figure does not adequately meet the service costs which have been driven up by inflation. The Social Service Block Grant will be authorized for a funding level of \$3.8 billion, and this amount would be available to the states for Social Services, Juvenile Justice, Day Care, State and Local Training, Child Welfare Services, Child Welfare Training, Foster Care, Child Abuse Prevention and Treatment, Adoption Assistance, Developmental Disabilities, Runaway and Homeless Youth, Community Services Administration, and Rehabilitation Services. The total appropriation for fiscal year '81 for these programs was over \$5 billion. Clearly this is diminished funding for these programs, and juvenile justice programs would be added to the competition, but without even the \$100 million it is usually run with, not to mention the approximately \$100 in maintenance-of-effort monies which were lost when LEAA was phased out. And these cuts do not take into account the possible loss of state match for the programs.

My home state of Pennsylvania would lose \$4,301,000 in juvenile justice formula grant monies under the original fiscal year 1982 Budget which allocated \$88,875,000 to juvenile justice formula grants. Even at the fiscal year 1981 funding level, Pennsylvania has \$3,105,000 available for Juvenile Justice. The loss of maintenance of effort monies (19.15 percent of the Crime Control funding) was \$4,751,741—these are monies which Pennsylvania has already lost. So we are talking about a \$7.8 million loss of funds which are directly targeted at juveniles. And I must include in this loss of funds, the loss of \$39,065,187 which will be cut from Pennsylvania's Title XX allotment under the proposed budget cuts.

It has long been recognized that there was a special need for the juvenile justice and runaway programs because the more traditional service providers were not addressing the needs of this population. Youth caught by the juvenile justice system were often frightened and put off by the more traditional service providers. This fact was especially apparent in the 1960's when alternative services for youth sprang up. There is among these newer service providers a disenfranchisement from the traditional social welfare system. While their "alternative" approach to juve-



niles has helped those youths entering the system. It will work against those service providers as they try to negotiate a heavily balkanized system which they have had little experience with. The result may be a reliance on more costly, more secure facilities for youth, with little attention to prevention or rehabilitation for those juveniles who might be helped. In short, funding decisions become highly politicized, and the groups which are the best organized and have a greater knowledge of the system, come out the winners.

There are other problems with the block grant approach to funding for programs which have been categorical.

The consolidation of funding through state and local public agencies encourages the public delivery of service which is more costly than the delivery of service through the voluntary sector.

The accountability for the program is greatly reduced. There would be no assessment of compliance by a state in meeting the mandates.

On March 26, 1980, the Child Welfare League testified before the Judiciary Committee of the Senate in support of the reauthorization of the Juvenile Justice and Delinquency Prevention Act. In that testimony, we urged that funding for programs for serious juvenile offenders be available. We support targeted funds for identification, apprehension, speedy adjudication, sentencing, and rehabilitation. We are concerned that much of the focus for this specific population of youth will be lost of the juvenile justice programs are consolidated into the social services block grant.

The Juvenile Justice and Delinquency Prevention Act has been a success. So why continue the program? The state of Pennsylvania provides a representative picture of the program of the past and the possibilities of the future. Pennsylvania has removed over 3,000 juveniles from secure facilities. This movement has freed some 3,641 spaces for adult offenders. It has also allowed the Criminal Justice Planners to turn their attention from the original mandates of the act to some of the newer ones—providing services for adjudicated delinquents, and especially for the serious offender, and they have devised cost effective methods for dealing with youths.

There have been three new programs designed for juvenile delinquents in Pennsylvania in 1980 and 1981. There is a specialized unit for delinquents who have a diagnosis of being mentally disturbed and who have committed a delinquent act. In the past, these juveniles, who were not candidates for mental commitment would have gone to secure facilities without effective rehabilitation. These secure facilities cost \$138 a day, with a facility like Cornwell Heights costing \$150 thousand a year for incarceration.

Pennsylvania has also created a 20 bed unit for mildly retarded delinquents who are responsible for their acts. And for the first time the state has funded a private agency in Philadelphia, the House of HUMOJA, to provide 8 beds for serious delinquent offenders. The State would like to fund an additional program for delinquents who commit arson. The 1981 formula grant allotment is therefore targeted for adjudicated delinquents. The funding guidelines make it clear that the State is open to innovative concepts in dealing with these youths.

In conclusion, we want to thank this Subcommittee for giving us the opportunity to address the issue of the phasing-out of the Office of Juvenile Justice and Delinquency Prevention and moving the juvenile justice program into the proposed social service block grant. We believe that children and youth are best served by.

Maintaining the Juvenile Justice and Delinquency Prevention Act;

Administering the program in the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice; and

Funding the program with at least \$100 million for fiscal year 1982.

We believe that this Subcommittee will be best served in its deliberations if it carefully reviews the success of this program.

We thank you again for your consideration.

TABLE 1.—1974 average costs per offender year for State institutions, camps, and ranches

	States
\$3,500 to \$4,999.....	3
\$5,000 to \$7,999.....	11
\$8,000 to \$10,000.....	15
\$11,000 to \$13,999.....	4
\$14,000 to \$18,999.....	10
\$19,000 and over.....	4
Total.....	47

Note.—Mean=\$11,657.



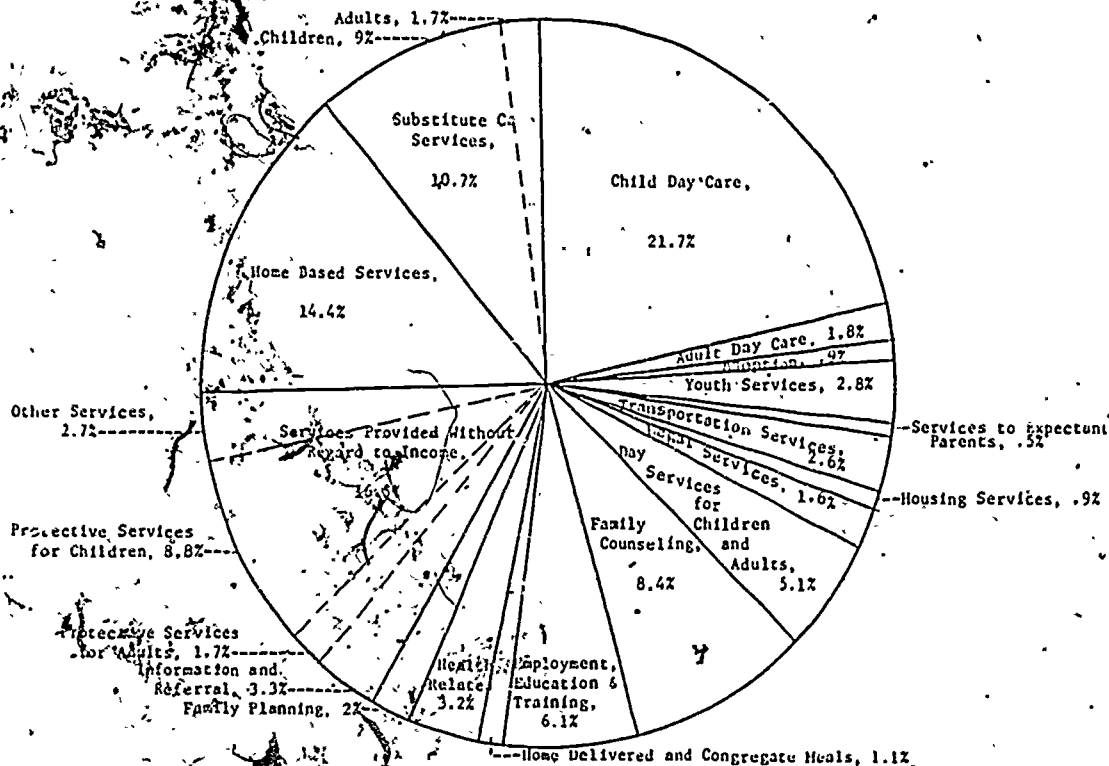
TABLE 2.—1974 average costs per offender-year for State-related community-based residential programs

	States
\$210 to \$1,999.....	5
\$2,000 to \$3,999.....	10
\$4,000 to \$5,999.....	7
\$6,000 to \$7,999.....	6
\$8,000 to 9,999.....	4
\$10,000 to \$17,800.....	4
Total.....	36

NOTE.—Mean = \$5,501.

From: Robert D. Vinter, George Downs and John Hall, "Juvenile corrections in the States: Residential Programs and Deinstitutionalization: A Preliminary Report" (Ann Arbor, Mich. University of Michigan, National Assessment of Juvenile corrections, 1975), p. 40.

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Senator SPECTER. Ms. Fruchter, would you identify yourself for the record?

**TESTIMONY OF BARBARA FRUCHTER, PENNSYLVANIA  
JUVENILE JUSTICE CENTER**

Ms. FRUCHTER. I am Barbara Fruchter. I thank you for the privilege of letting me testify here today, Senator. I have taken 4 pages from my testimony and will proceed as quickly as possible.

Senator SPECTER. Thank you.

Ms. FRUCHTER. I think I represent a constituency we have not heard from too much. The Juvenile Justice Center is an educational, advocacy, and technical assistance nonprofit organization established in 1971. We conduct legislative training, management training, and an accredited professional child care worker education program. We also run an emergency shelter care program for alleged delinquents, those chronic runaways that Mr. Levine is concerned about, that seem to stop running away when they get their shelter care program.

Primarily, we are citizen- and youth-oriented organization. The Juvenile Justice Center is a kind of "think tank" for citizen education, involvement, and innovation. We speak with and sometimes for a broad-based 67-county coalition of 136 disinterested citizens groups—citizens deeply concerned about the public safety and deeply devoted to justice and quality care for children.

The policies I talk about today are policies which the Juvenile Justice Center represents and the coalition evolved with input from our board of directors, which is made up of judges and citizens, and our board of advisors, which is made up of industry and labor.

The Juvenile Justice Center Citizens Coalition is purposeful and well-organized. It consists of groups such as PTA, 200,000—

Senator SPECTER. We have been called to vote. I will have to leave within a few minutes.

If you would give me the thrust of your testimony, I would like to reserve at least two minutes for Ms. Mattingly.

Ms. FRUCHTER. The thrust of our testimony is that we have over 100,000 members, several hundred thousand members, who are beginning to understand what the problems are in their own communities. They are very active in their own communities and they still need the Federal leadership and visibility of a Federal office to help coordinate their efforts and direct their efforts.

Senator SPECTER. Have you a written statement?

Ms. FRUCHTER. Yes.

Senator SPECTER. We will make it part of the record. I am very sorry to have to make it so short. However, I must leave soon.

[Ms. Fruchter's prepared statement follows:]

**PREPARED STATEMENT OF BARBARA FRUCHTER**

Senator Specter, Senators. Thank you for the privilege of testifying before this subcommittee. I am Barbara Fruchter, executive director of the Juvenile Justice Center of Pennsylvania.

The Juvenile Justice Center is an educational, advocacy and technical assistance nonprofit organization established in 1971. We conduct legislative training, management training and accredited professional child care educational programs, but primarily we are citizen oriented.

The Juvenile Justice Center is a kind of "think tank" for citizen education, involvement and innovation. We speak with and sometimes for a broad-based 67

county coalition of 136 disinterested citizens' groups—citizens deeply concerned about the public safety, and deeply devoted to justice and quality care for children. The Juvenile Justice Center Citizen's Coalition is purposeful and well organized. It consists of groups such as the PTA (200,000 members), the Pennsylvania Federation of Women's Clubs (56,000 members), the League of Women Voters, Junior leagues, AAUW and many others. These are the citizens, trained by JJC, who worked successfully to implement the provisions of the JJDP Act—3500 children removed from the horrors of adult prison in Pennsylvania, status offenders out of the delinquent category and out of correctional institutions. These are the citizens who monitor the local jails and detention centers to insure that laws are complied with. They inspect institutional facilities to insure that regulations are implemented. These are the dedicated volunteers who have developed local resources as alternatives to incarceration of youngsters, and these are the taxpayers looking to see a logical continuation and logical completion of the clear mandate of the JJDP Act—a statute which has consistently had strong popular and firm bi-partisan support.

Beginning in 1974 the Juvenile Justice Center Citizen's Coalition in Pennsylvania was one of the first such active and influential groups in the country. But today—in Texas, New York, Georgia, South Carolina, Ohio, California and elsewhere they are burgeoning over the Nation. This citizen concern for children, for safety and crime prevention must be mirrored by credible government action. This citizen recognition of their responsibilities on a local level must be supported and led by consistent government on the Federal level.

Expectations have been raised at the grass roots. Expectations of a government-citizen partnership to combat common problems together. The unique needs and character of juvenile crime and juvenile justice demand both an identity and a special leadership.

In many ways the Juvenile Justice and Delinquency Prevention Act created the ideal block grant concept. States select their own approaches and priorities within cost effective policy mandates that should not be abandoned. Under predictable, consistent fiscal support, and painstakingly developed expertise the States have made advances that would not otherwise have come about. Pennsylvania's progress is testimony to that. As is the fact that at a time when the facilities of the adult criminal justice system are triple-packed only one in every 10 public juvenile facilities are being used at more than 100 percent capacity and approximately one-third of the total are less than 70 percent occupied.

A swift switch at this juncture to HHS with no clear track would not eliminate, but escalate red tape, would not reduce, but would reproduce more costs, would not conserve time and energy, but would create confusion and disillusionment. A major administration figure has called for a war on crime. The Washington Post-ABC News survey showed that over 74 percent of the respondents felt that Government spending to fight crime should be increased.

Why should we go into this battle without a general, without a headquarters, without expert strategists and with the creaky materiel of expensive, excessive incarceration as the major weapon when new technologies are emerging?

The predecessor to the present act, the Juvenile Delinquency Prevention and Control Act of 1968 was administered by HEW, the predecessor of HHS. Congress found during the hearings conducted in conjunction with the passage of the 1974 act, that "the HEW administered program, during its first three years, was disappointing because of delay and inefficiency, (and that) only half of the funds that were appropriated were actually expended. The funds were generally spent on underfunded, unrelated and scattered projects." In addition, the program's failure was clearly related to its lack of access to justice system agencies, and the domination of law enforcement interests in matters related to juvenile crime and delinquency.

A zero budget for OJJDP and transfer of reduced funds to HHS for allocation to States as a block grant program for support of social service programs risks reversing gains made under the Juvenile Justice and Delinquency Prevention Act of 1974. As importantly, it would halt or undermine many of the significant efforts currently underway in the 51 States and territories participating in the act. It would also create an unproductive competition among otherwise cooperating groups.

When passed the act reflected a national consensus that the high incidence of delinquency in the United States results in enormous annual cost and immeasurable loss of human life, personal security and wasted human resources. The statute's declaration of purpose states, that "juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency". This is as valid today as it was in 1974.

A national office of juvenile justice and delinquency prevention provides a mechanism, a structure for leadership in the formulation of national youth policy, and the capability to direct public and private resources toward the most successful and cost-effective approaches to the prevention and treatment of juvenile crime and delinquency. Historically, youth programs have been fragmented, poorly coordinated, and strongly influenced by narrow interest groups who maintain outworn program approaches beyond their usefulness. Such approaches have all too often, lacked responsiveness to the public's concern for safety, or the expressed needs of youth and their families. In an era of diminishing resources, the problems of youth in the justice system can only be addressed with any measure of success, if efforts are coordinated, unresponsive programs are modified, and available resources are well focussed and directed toward the most promising approaches.

Repeal of the legislation and transfer of funds would constitute a breach of faith by the Federal Government with respect to grant conditions which required compliance with section 223 (a) 12 of the act which required removal of status offenders from secure facilities within 3 years after joining the act, and section 223 (a) 13 which required that juveniles be separated from adults incarcerated for conviction of a crime or awaiting trial. In excess of \$325 million dollars has been awarded to States participating in the act since 1975 by OJJDP in the form of formula grant funds. This reflects only a very small portion of the funds actually spent by States and territories in achieving the mandated requirements of the JJDPA Act. This level of response has been entirely voluntary and reflects the value of well directed and focused Federal leadership. It also clearly demonstrates that States have very real concern about youth and recognize the need for reforms in the juvenile justice system. While reform efforts had been initiated in some States prior to the enactment of the JJDPA Act, without Federal leadership within the context of a major piece of legislation, such significant progress would not have been made within such a short time frame. Similar leadership needs to be provided in combating serious, violent and economic juvenile crime.

The rule of thumb in the adult system is that for every 1-percent increase in the unemployment rate there is a 4-percent rise in prison population. We can neither countenance nor afford this in the juvenile area where placing a young person in an adult prison is tantamount to physical and mental destruction.

In Pennsylvania 859,000,000 dollars a year is lost to shoplifting. It is estimated that nearly 50 percent is done by teenagers. Philadelphia alone loses \$500,000 a day to shoplifting. About 22,000 shoplifters are caught each year. They steal on the average of \$10 worth of merchandise each. If police and lock'em up efforts were tripled we wouldn't make a dent in this serious problem. But coordinated efforts between business, juvenile officers, parents, youth and the schools under a federal initiative can significantly diminish this problem.

There is no claim here to have evolved every answer, but we are no longer working in a maze. We know certain doors are dead ends of escalating costs and escalating crime, and other doors lead to an abyss of continued dependence on a prison or welfare system. There has been trial and error. But by following legislative directives and programmatic developments a direction and a progression has evolved.

When the Federal Government in conjunction with the States entered the system in earnest through the JJDPA Act there was a mounting, contaminating clutter—orphans, status offenders, non-offenders (abused, battered and molested children), six and seven year olds—all sickeningly detained and warehoused together—a system brutality drawing in all problems and effectively treating none.

The first step was a logical attempt to use resources more discriminately by sifting out the non-offenders and status offenders from detention, correctional and training facilities.

The second step was to educate and demonstrate to the public that there are cheaper, and effective alternatives to incarceration for non-dangerous offenders, to develop those alternatives preparing the community to accept and support them, and training personnel to run them.

The third step is to mine the mother lode. Where there are freed up resources—to maximize them effectively and to capitalize on increased public concern to focus efforts on that 6 percent of the apprehended delinquents who account for over 82 percent of violent juvenile crime.

This third and final step can pay off if there is no perversion nor muddying of the clear mandates of the act to keep minor and non-criminal offenders out of the system, to divert those that can, consistent with the public safety, be diverted, to minimize penetration and apply the new techniques that have been developed. On the other hand, perverting purposes of the act by reverting to stone-age tactics would set us back both in terms of prophylactic treatment and economically.

A new understanding and participation has emerged on the local level. Strong federal leadership working in partnership with established community leadership can reap the significant contributions of an informed and involved public. The essential support of a knowledgeable citizenry would disperse with the disappearance of a national office. The losses would be multiple, citizens can be a stay against erosion of the gains made under the act and can, by example and education, have a great impact on future crime prevention.

Senator SPECTER. Ms. Marion Mattingly, please identify yourself for the record.

### TESTIMONY OF MARION MATTINGLY, PRESIDENT'S TASK FORCE ON LAW ENFORCEMENT

Ms. MATTINGLY. I am Marion Mattingly. I live in Bethesda, Md. I have to say at this point I almost would like to live in Pennsylvania.

I have been extensively involved at the national, State, and community levels in the development of policy, passage of legislation, and implementation of programs in the field of juvenile and criminal justice for about 20 years. I have worked with all parts of the system.

I am a member of the President's Task Force on Law Enforcement. I was appointed by President Ford to the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

I presently serve on the Supervisory Board in Maryland, the Governor's Commission on Law Enforcement, and the Administration of Justice, the State Advisory Committee, and on other private and public boards, committees, and commissions.

Much of what I would like to say has already been said, and much of it is included in my formal statement which I have presented for the record. Therefore, in the interest of brevity I would like to highlight a few issues of major significance of which you should be aware.

First, it should be noted that crime and delinquency is not only a problem in the United States, it is a very serious problem. Not only do the statistics of the FBI support this but it is also supported and documented by other studies, polls, and major news articles.

Second, there is a very active role for the Government on issues relating to crime and delinquency. The role which can be called leadership shouldn't be taken to mean the mere issuing of statements or rhetoric on the problem. Leadership means many things, each of which the Federal Government will have to take an active role in if the problems confronting us on the issues of crime and delinquency are to be addressed. Leadership means the development and marketing of programs that effectively reduce the incidence of delinquency and improves the juvenile justice system. Leadership means continued research into the causes of crime and delinquency. It means the development of uniform standards to guide the operation of the juvenile justice system. It means the coordination among other Federal agencies on juvenile justice related issues. It means the collection and dissemination of accurate facts and figures on the overall juvenile crime problem.

These are but a few examples of what leadership is. I want to stress the fact that it is absolutely essential that the Federal Government exercise its leadership role because if it doesn't we will not be able to address this problem.



Third, I would like to state that the administration position that juvenile justice programs could be funded from the social service block grant is not grounded on any factual evidence. I would go as far as saying that it is absurd to think that projects previously funded with JJDP Act funds will be picked up and funded through the new block grant. Not only are there not any JJDP Act funds going into the block grant but the overall block grant is being reduced 25 percent. The competition for the decreased dollar is going to be such that youth programs, especially those related to delinquency and crime are likely to get only the scraps off the social service table.

Lastly, I would like to state that this is not, I repeat, not a costly program.

It is my understanding that in the first year it would be an outlay of \$19 million. I am not an expert on budgets and such, but I think that kind of information might be available for you.

I simply think that today it is not a question of our not being able to afford this. I think we cannot afford not to continue this program.

Senator SPECTER. Thank you very much, Ms. Mattingly.  
[Ms. Mattingly's prepared statement follows:]

#### PREPARED STATEMENT OF MARION MATTINGLY

I am Marion Mattingly of Bethesda, Maryland. For more than twenty years I have been extensively involved at the national, state and community levels in the development of policy passage of legislation and implementation of programs in the fields of juvenile and criminal justice, education and human services. I have worked with government and non-government agencies, executive, legislative and judicial officials as well as private sector representatives. My activities have included membership on numerous boards and commissions. In 1976 I was appointed by President Ford to the National Advisory Committee for Juvenile Justice and Delinquency Prevention. I am a member of the Maryland Governor's Commission on Law Enforcement and Administration of Justice and its Juvenile Justice Advisory Committee and the Montgomery County Criminal Justice Commission—more recently I was appointed to President Reagan's Task Force on Law Enforcement. I also am a member of the National Law Enforcement Exploring Committee—which sets policy and program direction for 34,000 young participants in this Boy Scouts program and the Board of Directors of the National Youth Work Alliance which provides policy direction and supervision for the activities of this national organization of over 1,000 community-based youth serving agencies.

I have, therefore, had the advantage of direct observation of what has occurred in the field of juvenile justice at the national, state and local levels both prior to and since the passage of the Juvenile Justice and Delinquency Prevention Act in 1974.

The Juvenile Justice and Delinquency Prevention Act has been providing funds for a variety of programs and services for delinquents and other youth caught up in the juvenile justice system since 1974. At that time Congress assigned primary Federal responsibility for policies and programs relating to juvenile delinquency to the Office of Juvenile Justice and Delinquency Prevention. The Office became the one place in Federal Government where citizens or representatives of states, localities or private agencies could go for help in addressing the programs of juvenile delinquency and delinquency prevention.

The placement of the Juvenile Justice and Delinquency Prevention program in the Department of Justice was not a precipitous decision based upon whim or folly, but a decision based upon sound rationale. It was a decision made by overwhelmingly bi-partisan Congress who had the opportunity to assess the operation of delinquency prevention and delinquency related programming in the Department of Health, Education and Welfare. During the previous 10 years, what the Congress found was that while the problems related to delinquency and delinquency prevention escalated, the interest on the part of HEW waned. From 1968 to 1971, a period of escalating delinquency rates, the Department of HEW expended only \$15 million of its \$30 million in appropriation on delinquency programming. The Office designated to implement delinquency programming within the Department of HEW, Youth

Development and Delinquency Prevention Administration (YDDPA), conceded its own failure to implement the goals of the 1968 Juvenile Delinquency Prevention and Control Act.

While there was little interest in delinquency programming at HEW, there was increased interest at the Department of Justice. The Department of Justice's Law Enforcement Assistance Administration became involved in delinquency related activities as early as 1968. Although LEAA viewed its role in the delinquency areas as relatively limited, in fiscal year 1971 they allocated 12 percent of their appropriations on juvenile delinquency programs. Their involvement began to expand as HEW withdrew. In 1971, an agreement between the Secretary of HEW and Attorney General was reached whereby HEW agreed to concentrate its efforts on prevention and rehabilitation programs administered outside the traditional juvenile correctional system while LEAA was to focus its efforts on programs within the juvenile correctional system. This position was reaffirmed by the 92nd Congress in its extension of the Delinquency Prevention and Control Act. However, despite limiting the scope of HEW's activities in the delinquency area, HEW still did not begin to grapple with the delinquency program in the country."

The 93rd Congress began to hold hearings on a bill to succeed the Juvenile Delinquency Prevention Act. Evidence presented to Congress indicated considerable Department of Justice involvement in a sweeping range of juvenile delinquency and diversion programs. Prevention efforts include alternative education programs, drug education programs in schools and police, juvenile relations programs.

Diversion efforts included youth services bureaus, juvenile court intake, and diversion units, drug abuse treatment programs, and community based neighborhood centers for juveniles diverted from juvenile justice system processing.

In reporting the Juvenile Justice and Delinquency Prevention Act out of committee, it was stated that "creation of the program in HEW would only further fragment, divide and submerge the Federal juvenile delinquency effort and delay the development of needed programs." Placing the program in the Department of Justice was felt even more important when there needed to be a focus placed on the serious juvenile offender.

The social control of the juvenile and criminal justice system must be applied in dealing with the serious juvenile offender and the Justice Department's only Federal agency providing substantial assistance to the police, courts and corrections agencies in their efforts to deal with juvenile crime.

On September 7, 1974, the Juvenile Justice Delinquency Prevention Act was signed into law by President Ford. The Office of Juvenile Justice and Delinquency Prevention was established within the Justice Department to implement the program.

I realize that I have belabored the historical antecedent aspects of this legislation, but I have done so intentionally and with reason. I wanted to make it clear that, (1) there is clear precedent and rational for the Federal government to get involved in delinquency programming and, (2) experience with delinquency programming outside the Department of Justice has proven to be a failure.

There seems to be reluctance on the part of the administration to get involved in activities that they believe are more appropriately the responsibility of State and local government. However, without the active involvement of the Federal government in delinquency programming, we can't expect to resolve any of the problems related to this issue. Delinquency is a perverse and diverse problem that cries out for national leadership. It's only with the leadership and varied resources that can be exerted at the national level that we can expect to resolve the multiplicity of problems related to delinquency.

And a problem it is. Last week both major news weeklys—Time and Newsweek—had cover stories relating to the problem of crime and delinquency. Both of the magazines portrayed Americans as having become afraid of one another. Quoting from the Figgie Report on Fear and Crime, Time stated, "American ability to act is rendered ineffective. Fear of violent crime seems to have made the country helpless, incapable of dealing with the resources of its fear may be one of the big factors impeding society's ability to cope with those problems."

There is a definite perception among the general public that crime and delinquency are increasing. Further, it is evident that people in our cities and towns are burdened with a fear and whether this fear is real or not is inconsequential—that they or their children, family members or friends will become victim of a criminal act.

The Office of Management and Budget has responded by elimination of the only entity within government, the Office of Juvenile Justice and Delinquency Prevention, that provides technical assistance, research, training, data, demonstration

programs and targeted resources. The rationale for this response has been based entirely on economics, not on the need of the people, or the desires of people.

Clearly, crime and what to do about it should be as much an immediate concern of the Reagan administration as it is to this subcommittee. The Justice Department has announced creation of a Task Force on Violent Crime charged with advising the Attorney General by mid-August on what the government should do to enhance the floundering federal-state-local partnership against crime. Unfortunately, this task force does not include experts in the field of Juvenile Justice.

In a recent national survey conducted by the Washington Post and ABC News, respondents were asked whether they felt Federal spending for "fighting crime" should be increased, decreased or left about the same level. 74.1 percent felt that it should be increased. The Administration feels that the efforts at reducing delinquency and improving the juvenile justice system should be carried on through the HHS block grant. The Attorney General has been quoted as saying that the elimination of the JJDP program was a hard choice. He stated that the decision was not an indication that the program is not good, however, to carry it on in the Department would cost the Department other staff positions.

I have difficulty in understanding this response.

It should be noted that which the originally proposed fiscal year 1982 Budget for OJJDP was \$135 million, the overlay for this figure would amount to only \$19 in fiscal year 1982. In fiscal year 1983, with another appropriation of \$144 million, the overlap would only reach \$98 million. Thus, you see we are not talking about a substantial number of dollars, nor are we talking about the elimination of 3,000 positions from the Department of Justice if the OJJDP Budget is approved.

I am convinced that, if this program is placed in the HHS block grant, the programs funded under it for delinquents and status offenders will not be picked up. Reasons the delinquency related programs will not be picked up are:

(1) As no JJDP funds are being placed in the block grant, the argument will be made, regardless of its veracity, that the intention is not to fund this type of program. If the funds can't be tracked they won't be used.

(2) The program that the JJDP program is being thrown into do not normally serve the delinquent and status-offender target population. Several of the programs, Child Adoption and Welfare Assistance, have provisions against serving youth in institutions or in community based settings regardless of the size where there is a preponderance of delinquents.

(3) The JD Act's Title II programs is not a social service, but a program designed to prevent and reduce juvenile crime, develop alternatives to unnecessary incarceration of juveniles, improve the capability of the juvenile justice system to deal with serious or violent offenders and the status and non-criminal offenders, and to address youth drug and alcohol abuse, as well as school violence and vandalism. Provisions of the HHS block grant program may actually prohibit or cancel a number of delinquency-related state or local program initiatives such as alternative education projects intended to relieve or reduce the school dropout problem. The prohibition involving cash payments could disallow state-level continuation of restitution programs and the limitation on medical care could be interpreted to prohibit the provision of psychiatric care often required by severely disturbed juvenile offenders. And the prohibition against social services within an "intermediate care facility" could eliminate an entire network of halfway houses specifically designed for youth as a less costly alternative to institutional placement.

(4) The largest program to be placed in the HHS block grant with the JJDP program is Title XX. Title XX programs have a very strong lobby group and it is most unlikely that programs for juvenile offenders could successfully compete with them for funds. There is absolutely no mention of the juvenile offender in their guidelines.

(5) There has been and probably continues to be a reluctance on the part of the many service providers to provide service to youth labeled as delinquent and/or status offenders.

It is an overriding fear of mine, based upon both knowledge of how the system works, and where kids stack up against other groups, that under the Block grant proposal youth in the juvenile justice system will not be adequately served.

The Juvenile Justice and Delinquency Prevention Program has proved to be very successful. Since the JD Act was implemented, the number of status offenders detained across the country has decreased from 116,000 to 59,000, a drop of nearly 50 percent, and 40 states participating in the program have achieved 75 percent compliance with the act's mandated deinstitutionalization of status and non-offenders. In practical terms, this means that nearly 200,000 non-criminal juveniles have been removed from inappropriate and expensive confinement. Since 1977, at least nine states have enacted major juvenile code revisions and other states have under-

taken major reorganization efforts to bring all child related statutes into one comprehensive code. And either through code revisions or other means, more states are requiring juvenile court personnel to receive additional training. OJJDP resources have helped over 500 judges, prosecutors and defense attorneys with training in sentencing alternatives, special legal issues and administrative procedures.

The JJDP Act and the OJJDP have recognized the complex and diverse nature of the problems related to delinquency and have approached the problem from a "system perspective." We must continue to recognize something the Block grant approach doesn't, that the problem requires a system approach. This means that in order to be successful in efforts to overcome the crippling effects of delinquency, leadership and support for a wide range of activities must be continued.

Continued support for the type of activities carried on through the provisions of the JJDP Act are not costly, especially when the alternatives are viewed.

Do we want to continue to support the provisions of the JJDP Act that call for the least restrictive alternative placement at \$2 to \$20 a day (Probation to Halfway House), or do we want to revert to the most secure type of placement for youth costing anywhere from \$60 to \$118 (secure detention, secure correctional) because of lack of leadership, lack of direction and lack of alternatives?

After careful examination and analysis of the Juvenile Justice program and the administration's decision to eliminate the program, one comes to the following conclusions:

- (1) There is historical precedent for the program.
- (2) There is a need for federal leadership.
- (3) The program does not involve federal government intrusion on States' rights. It follows the legislation closely. Plan developed at the state and local level. States participate voluntarily.
- (4) There is a need for the broad range of services offered by the program.
- (5) The program has been successful in meeting the objectives of the Act.
- (6) The current program utilizes a cost effective approach to solving the problem.
- (7) The Administration's response to the problem will not address the problem faced by the States.

In your deliberations on the JJDP program, several options avail themselves. They run the gamut from full funding to total elimination.

I have always been a supporter of the Act and desire to see it funded at its full level. I recognize, however, that some members of Congress may not be able to support the full funding of the program and will search for options. In this search it must be made clear that repeal and elimination is not an option. Repeal of the JJDP Act—something which is being contemplated if the Block grant proposal is passed—and which, in any event, is the net effect of the zero budget—would be devastating.

Senator SPECTER. Thank all of you for coming to this session today.

We will receive all the statements for the record. We very much appreciate your attendance.

The record will be held open for a period of 10 days for the receipt of additional statements.

The hearing is adjourned.

[Whereupon, at 12:17 p.m., the subcommittee adjourned, to reconvene at the call of the Chair.]

## APPENDIX

### PART 1—CORRESPONDENCE FROM STATE AND LOCAL GOVERNMENTS

#### THE COMMONWEALTH OF MASSACHUSETTS—COMMITTEE ON CRIMINAL JUSTICE

MARCH 26, 1981.

Hon. ARLEN SPECTER,  
*Chairperson, Subcommittee on Juvenile Justice,*  
*Washington, D.C.*

DEAR SENATOR SPECTER: I am writing to you in my capacity as Chair of the Massachusetts Juvenile Justice Advisory Committee, the state juvenile justice advisory group appointed pursuant to Sec. 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act (JJDP). As you may know, the JJDP was re-authorized for a four-year period in the final days of the last Congress, with a fiscal year 1981 appropriation of 100 million dollars. While several provisions of the JJDP were the subject of Congressional debate at that time, the fundamental structure and intent of this landmark legislation enjoyed strong bipartisan support. This is not surprising considering both the current concern with juvenile crime and the fact that the JJDP is unique in being the only Federal effort in the area of juvenile justice.

Given these conditions, it is especially disheartening to hear of plans to dismantle the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and to subsume juvenile justice funds under a block grant to states through the Department of Health and Human Services. I would suggest to you that these plans represent a false economy which will erode the substantial gains made by both the Federal Office of Juvenile Justice and by states operating under the formula grant program of that office. Several salient points should be emphasized:

(1) The Act's dual emphases on improving the juvenile justice system and preventing delinquency present a logical and compelling reason for its continued administration as a categorical program of the Department of Justice. As a small part of a block grant from the Department of Health and Human Services, the juvenile justice program would be lost in the multitude of competing interests for limited social services funds.

(2) Loss of juvenile justice funds will work an unconscionable hardship on individual states' efforts to provide alternatives for delinquents, pre-delinquents and status offenders. In Massachusetts, for example, approximately 1.4 million dollars in fiscal year 1981 funds was made available for funding of "action" projects. With these funds, the Commonwealth has recently funded the following kinds of activities:

(a) Specialized Family Services (Diversion Programs): Eleven projects for court-involved youths and their families. Total client population: 1,700 individuals.

(b) In-School Programming (Prevention Programs): Eighteen projects providing a variety of services designed to prevent delinquency in a client population of approximately 4,000 students.

(c) Residential Programs: Two experimental projects providing independent living programs for delinquent and status offenders (15 clients).

(d) Training: One project providing training for 360 staff members of direct-service programs.

(e) Standards: One project whose function is to develop and implement standards of care for approximately 1,200 delinquent youths in the custody of the Department of Youth Services.

Thus, approximately 7,275 youths, parents, and youth workers receive services as a result of the relatively small amount of money allocated to Massachusetts through the OJJDP.

From my attendance at both regional and national meetings of state advisory group chairs, I am confident that other states are utilizing their JJDP dollars in funding similar kinds of cost-effective, essential programs for youths.



In light of the unique nature of the juvenile justice program of OJJDP, as well as its effective use of Federal funds, I urge your strong support for continuation of the Office of Juvenile Justice and Delinquency Prevention, and its state formula grant program, at the fiscal year 1981 level of 100 million dollars.

Sincerely,

STEPHEN PFOHL, *Professor.*

STATE OF LOUISIANA,  
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY BOARD,  
Lake Charles, La., March 26, 1981.

Hon. ARLEN SPECTER,  
Senator, Chairman, Senate Judiciary Subcommittee on Juvenile Justice, Russell  
Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: I am submitting this letter to you and your Subcommittee as testimony for the hearing to be held on April 1, 1981, concerning the future of the Juvenile Justice and Delinquency Prevention Act in terms of the amount of federal funds for the Act as well as the administrative placement of the Act. However, before I move to these topics, I would like to give you a brief history of the impact the JJDP Act has had in our state.

Louisiana began its participation in the Juvenile Justice and Delinquency Prevention Act in August, 1975. Our state, as well as many other states, was ready for positive change and accomplishment in the area of juvenile justice, an area long neglected.

We had little coordination of services at the state, local or private level. We were locking up status offenders in detention facilities, training schools, and local jails. Legislation and concomitant laws were not well thought out or implemented.

With the appointment of the Governor's Juvenile Justice and Delinquency Prevention Advisory Board, excellent staff support from the Louisiana Commission on Law Enforcement, and the local criminal justice councils, juvenile justice began to take on new importance and accomplishments in the state.

As a direct result of Louisiana's participation in the JJDP Act, legislation was passed prohibiting the incarceration of status offenders in detention facilities and training schools. A statewide jail monitoring system was put in place. The State's first Code of Juvenile Procedure went into effect January, 1979 (funded with JJDP monies). Twenty-five community residential treatment facilities received their start with these funds to provide over 400 additional bed spaces for juveniles who did not require the secure confinement of a training school. The East Baton Rouge and New Orleans District Attorney's offices instituted diversion programs for juveniles.

Special treatment units at the state training schools were funded to provide the intensive treatment and rehabilitation necessary for those delinquents who may be either violent, mentally retarded, emotionally disturbed, or substance abusers.

A law related educational curriculum was established in New Orleans, the state's largest urban area, and assumed by the local school district.

The Governor's Advisory Board supported progressive legislation at the state and national level, but more importantly, became the vehicle for the directed coordination of services, programs, and policy in the state, local and private area.

Being in the business sector, I know the importance of a strong economy. I know that the federal bureaucracy needs trimming. Red tape for red tape's sake benefits no one. However, as the District Attorney of East Baton Rouge Parish, Ossie Brown, recently stated, "Parents will not accept the fact that their own poor examples, lack of leadership, and failures as role models are at the root of their children's problems." The JJDP Act has given us the funding for the tools we need on a local level to strengthen family life, provide meaningful rehabilitation, and impact crime by the violent juvenile offender.

Evidence of our increasing violent juvenile crime problem in Louisiana is the 16.3 percent increase we experienced from 1976 to 1979. More alarming is the fact that from 1978 to 1979, the number of females arrested for violent offenses in Louisiana increased by 25.9 percent. The JJDP programs in our state have kept many errant teenagers from becoming hardened criminals.

With the recent reauthorization of the JJDP Act in 1980, (which enjoyed Congressional bipartisan support), we have a reduction in federal red tape and balanced federal priorities allowing for more state control.

Other federal programs are being reduced, but not eliminated. Please give the JJDP Act the funds we need to allow the judges, the district attorneys, law enforcement and the private sector the latitude to prevent and rehabilitate the juvenile offenders.



Juvenile delinquency prevention initiatives, which formed the cornerstone of formalized program development in the state, were the result of funds provided by the JJDP Act. Delinquency prevention in Louisiana is serving as an effective means of preventing and reducing youths from committing serious offenses, acts which lead ultimately to lives as career criminal offenders.

President Reagan promised the American people a stronger and improved criminal justice system with a mandate for reducing crime. The JJDP Act, as now amended to impact upon the violent juvenile offender, is one of the more effective means by which this commitment can be achieved. There should not be confusion in anyone's mind that the JJDP Act is a social service program. It is, by Congressional definition, a comprehensive, coordinated approach to attacking the problems of serious crimes in the United States, almost half of which are accounted for by juveniles.

As my last point, please note that juvenile justice professionals, through hard fought experience, know that if JJDP funds are placed into a "social service block," State bureaucracies will not provide any money to support the juvenile and criminal justice system. That is why we had a JJDP Act in the first place, to allow law enforcement, prosecution, and courts to develop viable alternatives to deal with troubled youth and their families. These alternatives have been cost effectively developed and are working.

Thank you for the opportunity to bring this important evidence to the attention of you and your committee.

Sincerely,

LEE H. JACOBS, Jr., *Chairman.*

POLICE DEPARTMENT,  
City of Monroe, La., March 27, 1981.

Hon. ARLEN SPECTER,  
U.S. Senate,  
Washington, D.C.  
(Attention of Merrie White)

DEAR SENATOR SPECTER: President Reagan's program for reduction in spending has been met on the local level with good reports; we are pleased that some of the very lucrative "hand-out" programs are being either abolished or severely cut, and he has the support of the people in this stand.

We are not, however, supportive of any programs designed to cut funding of JJDP programs or those of law enforcement assistance. Our country is in a very critical time with crime and violence on the upswing. All major cities in the United States are faced with this problem, and although efforts are being made to curb the tremendously increasing statistics, the national crime rate is escalating at a more rapid rate than even the population. We clearly need Help! And, that help must come from our Government; we have no one else to whom we can turn or on whom we can depend.

I urge a decision in favor of JJDP . . . this program cannot be lumped into a Social Services Block funding; it is a separate and vital program with our future generation at stake.

Although we share our President's awareness of the necessity of cutting spending, a reduction in programs that deal with our youth and with law enforcement is not the answer.

I ask . . . even urge . . . for affirmative action in support of JJDP funding. Law Enforcement and the nation's youth depend on you.

Sincerely,

WILLIE E. BUFFINGTON,  
*Chief of Police.*

CITY OF CINCINNATI,  
DEPARTMENT OF SAFETY, DIVISION OF POLICE,  
Cincinnati, Ohio, March 29, 1981.

Senator ARLEN SPECTER,  
District of Columbia

Sir: The role of the police in dealing with the law violator regardless of his age is clearly set forth in the Ohio State Code which says, "The police force of a Municipal Corporation shall preserve the peace, protect persons and property, and obey and enforce all ordinances of the Legislature Authority thereof, and all criminal laws of

the State and the United States." While not stated in actual terms, the duties include prevention of crime and the regulation of non-criminal conduct.

Our concern here is the consideration of policies and practices pertinent to police operation when the juvenile offender is involved. The law does not say, nor do we believe that society expects anything short of an energetic pursuit of objectives regardless of the identity of the offenders. If any change in the police approach is to appear, it must be in the form of a difference in procedure when the juvenile offender is involved. Police generally accept the philosophy that the young person may be immature and has not reached that stage in life where self discipline is as well developed as it should be in the adult. By reason of immaturity, the child may reasonably be excused to some degree from sole responsibility for his unlawful acts. Then too, is the continuing hope that engaging in anti social activity does not mean that the child is definitely committed to a lifetime rejection of the law.

Police procedure is sometimes influenced, too, by the possibility that among some of our juvenile citizens there appears to be an adoption of a delinquent subculture. In order to protect law abiding citizens who move in the same neighborhood circles, the police have to be more attentive to youth behavior. This is comparable to the concept of selective enforcement in traffic supervision.

In conducting a study of juvenile behavior patterns, the police officer may observe groups of people loitering on street corners or in front of a place of business. Gathering on the sidewalk may be sometimes viewed as loitering a violation of a specific city ordinance. Dispersal or arrest of the idle group is immediately indicated in the case of adults. Loitering by juveniles does not always suggest consideration of arrest as a corrective measure. However, when the group of juveniles appear to be representative of the subculture patterns mentioned before, the police tend to think of measures more effective than mere dispersal. (Loitering is no longer a violation of the law, primarily due to constitutional interpretation.)

#### *Institutionalization of status offenders*

In dealing with the juvenile there are certain differences in procedure which are accepted as a departure from the techniques used with the adult criminal. A certain latitude is provided for the officer when it comes to making a decision to arrest. We might use the word "discretion" in this connection. In making the decision whether or not to arrest in a traffic violation, for example, an officer might or might not arrest in a case where circumstances appeared similar to those in another situation. The latitude of action permitted is wider than it is in dealing with adults. It is acceptable to release a juvenile to his parents or to refer him to a social agency in a given set of circumstances whereas the adult violator would surely be detained. In accordance with Juvenile Rule 7 a warrant will be issued to admit a child into detention for any of the following reasons:

1. To protect the person and property of others or those of the child.
2. To prevent the child from absconding prior to a court hearing.
3. To protect the child because there is no parent, guardian or custodian to provide supervision and care.

#### *2151.311 Procedure upon apprehension of juvenile*

- A. A person taking a child into custody shall, with all reasonable speed, either.
  1. Release the child to his parents, guardian, or other custodian upon their written promise to bring the child before the court when requested by the court, unless his detention or shelter care appears to be warranted or required as provided in section 2151.31 of the Revised Code;
  2. Bring the child to the court or deliver him to a place of detention or shelter care designated by the court and promptly give notice thereof, together with a statement of the reason for taking the child into custody, to a parent, guardian or other custodian and to the court. Any temporary detention or inquiry of the child necessary to comply with division (A)(1) of this section shall conform to the procedures and conditions prescribed by this chapter and rules or court.
  3. If a parent, guardian, or other custodian fails, when requested, to bring the child before the court as provided by this section, the court may issue its warrant directing that the child be taken into custody and brought before the court.

#### *Division counseling*

Some police departments engage in the investigation of home conditions much as would be done by a social agency worker. This is done in the Cincinnati Police Division when possible child abuse or neglect is suspected. In some places police operate clubs or ball teams to give young people, especially boys, a healthy outlet for their energies.

The wisdom of police establishment of activities which border on the true role of the welfare worker or court representative may be open to question. It may be reasonably asked, "How can the police responsibility be discharged if the primary concern is not kept directly geared to obedience to and enforcement of the law?"

The Cincinnati Police Division do not have a juvenile counseling service, but work extremely close with social agencies in our area. Records at Youth Aid Squad (Cincinnati Police Squad), indicate that in many instances a social agency should become involved with children much earlier than after their first court appearance or police contact. Some juveniles have as many as fifteen closed referrals from field police officers before they are ever cited to court or arrested. In other cases, juveniles as young as five years of age have had referrals made for relatively serious offenses. In these examples, and in many others, it becomes apparent that social help for the child or the family is necessary. In many cases police officers do not have the training for counseling service.

#### *Relinquishment of jurisdiction for purpose of criminal prosecution*

2151.26 Ohio Revised Code.

A. After a complaint has been filed alleging that a child is delinquent by reason of having committed an act which would constitute a felony if committed by an adult, the court at a hearing may transfer the case for criminal prosecution to the appropriate court having jurisdiction of the offense, after making the following determinations:

1. The child was fifteen or more years of age at the time of the conduct charged;

2. There is probable cause to believe that the child committed the act alleged;

3. After an investigation including a mental and physical examination of such child made by the Ohio Youth Commission, a public or private agency, or a person qualified to make such examination, that there are reasonable grounds to believe that;

(a) He is not amenable to care or rehabilitation in any facility designed for the care, supervision and rehabilitation of delinquent children; and

(b) The safety of the community may require that he be placed under legal restraint, including, if necessary, for the period extending beyond his majority.

B. The child may waive such examination if the court finds such waiver competently and intelligently made. Refusal to submit to a mental and physical examination by the child constitutes waiver thereof.

C. Notice in writing of the time, place and purpose of such hearing shall be given to his parents, guardian, or other custodian and his counsel at least three days prior to the hearing.

D. No child, either before or after reaching eighteen years of age shall be prosecuted as an adult for an offense committed prior to becoming eighteen unless the child has been transferred as provided in this section. Any prosecution that is held in a criminal court on the mistaken belief that the child was over eighteen years of age at the time of the commission of the offense shall be deemed a nullity and the child shall not be considered to have been in jeopardy on the offense.

E. Upon such transfer the juvenile court shall state the reasons therefor and order such child to enter into a recognizance with good and sufficient surety for his appearance before the appropriate court for disposition as such court is authorized to make for a like act committed by an adult. Such transfer abates the jurisdiction of the juvenile court with respect to the delinquent acts alleged in the complaint.

#### *Summation of juvenile crime in the Cincinnati area during 1980*

1. Arrest of juveniles (entire division).....	6,032
2. Arrest of adults for child abuse.....	289
3. Arrest of adults for contributing to neglect.....	148
4. Arrest of adults for sex offenses involving juveniles under 12 years of age.....	113
5. Number of referrals received at youth aid squad.....	11,946
6. Number of truants.....	1,133
7. Total investigations by youth aid squad for year 1980.....	3,585
8. Number of traffic referral received.....	4,475

#### **DISADVANTAGE OFFENDERS**

There are those who maintain that environment is the all-important factor in personality and character. Environmental factors such as home and neighborhood, church and school, companionships and use of leisure time bulk large in the explanation of conduct and the diagnosis of the causes of crime, but can they be said to

be all important? Theories with even a goodly measure of truth in them are thus often of little help to the judge or social agency in their efforts to understand the personality of the particular and individual offender. Some penologists hold that punishment as a method of treatment is out-of-date and should give way to newer methods of scientific social readjustment. What these latter are is not made clear, but the public is asked to give up not only its old attitude toward punishment of the criminal, but to give up the very purpose and objective of punishment. Punishment is worthless, we are told, because it does not make the criminal any better. It does not restore him as a useful citizen. It is valueless for reformation. Yes, answer the opponents but what of the public at large?

How is it to be protected? Does not punishment act as a deterrent? Does not the safety and protection of the whole community take precedence over the possible good to be done the criminal. Not only have we conflicting theories on the object and purpose of punishment, but we have the same uncertainty and confusion in respect to disadvantaged offenders. In order to be effective as a deterrent, punishment must be prompt, it must be certain, it must be impersonal, and it must be proportionate. This is true of any kind of punishment, private or public, whether in the home, in school, or in court. The poor disadvantaged must be helped but justice must prevail.

Respectfully,

PATRICK CURRAN,  
Sergeant, Acting Youth Aid Commander,  
Cincinnati Police Division.

MARCH 30, 1981.

Hon. ARLEN SPECTER,  
U.S. Senator,  
Washington, D.C.

DEAR SENATOR SPECTER. For the past seven (7) years the State of Connecticut has chosen to take part in the Juvenile Justice and Delinquency Prevention Act. The programmatic mandates and financial assistance offered, under this act, have provided the impetus and sustenance for many invaluable projects resulting in major changes in Connecticut's juvenile justice system. As was intended, many of the projects which were begun with "seed" money from the Office of Juvenile Justice and Delinquency Prevention have become institutionalized through state and local budgets.

The innovative concept of having "youth officers" in state and local police departments was initiated in Connecticut through the use of juvenile justice funds. These positions were created so that children coming in contact with the justice system could be handled by someone sensitive to the special problems and needs of youth. These officers are often involved in public relations and law related education projects as well. Today there are approximately seventy five (75) permanently established youth officer positions throughout the state.

Connecticut's system of group homes, and in particular the central group home coordinating unit located within the Department of Children and Youth Services (DCYS), was begun with Law Enforcement Assistance Administration funds. They were continued with OJJDP monies and now exist independent of either of those federal programs.

Yet another statewide service system owing its existence to Juvenile Justice and Delinquency Prevention Act assistance is the Youth Service Bureau system. As of March 1980, there were fifty four (54) municipally based youth service bureaus providing services to the children and youth of sixty two (62) municipalities ranging from the largest cities to rural towns. The potential service population within these municipalities totals 425,145 children (under 16) and 71,638 youth 16 and 17 years old, or 61 percent of the children and youth residing in Connecticut. These agencies (YSB) coordinate community services to youth through offering direct services, contracting with and coordinating existing services, and community development efforts. Services are of both a preventive and rehabilitative nature. All of these youth serving agencies are now supported through a combination of municipal and state (DCYS) funds.

Connecticut has seen the establishment of Child Protection Teams across the state on both a municipal and regional basis. These teams, made up of professionals from various disciplines, were initiated through projects receiving federal funds. They were and are, part of a primary delinquency prevention campaign aimed at preventing child abuse and neglect. The teams provide public education services, case review and management, and service coordination. Many of these teams have been picked up by state and local funds. A few are in their last year of funding,

receiving approximately 25 percent of their operating costs through OJJDP. These too will be locally supported beginning next year.

In addition to accomplishment in the areas of prevention and service provision, juvenile justice funds have been responsible for enhancing the judicial processing of juveniles in Connecticut. Through a project known as Improved Court Advocacy, eight (8) full time court advocates or prosecutors have been hired. The advocates screen cases for legal sufficiency removing many which theretofore may have gone to court only to be dismissed. The advocates are also available to give legal advice to probation supervisors for non-judicial cases and take part in disposition hearings. As a result, during the past year dispositions in delinquency matters increased by approximately 3,000 with a corresponding decrease of 14.9 percent in pending cases. All eight positions have been included in the Government's budget for the next local year.

In response to the JJDP act mandate to deinstitutionalize status offenders, Connecticut has passed legislation decriminalizing status offenses and forbidding placement of status offenders in detention after July 1, 1981. In order to provide alternative services, Juvenile Justice Act funds have been used to support 24-hour crisis intervention, regional networking of service providers, and alternative placements including temporary shelter, host homes and specialized foster care. This comprehensive approach to deinstitutionalization is on the verge of coming to fruition. This program, now in its early years, would become one of the major tragedies of a -\$0- OJJDP appropriation.

We have developed innovative programming to deal with the serious juvenile offender in both institutional and community settings. Juvenile justice funds were responsible for beginning special educational and wilderness experience programs for serious and repeat offenders at Connecticut's sole delinquency institution, Long Lane School. Both programs are to be incorporated in the DYS budget. Community treatment programs providing comprehensive (educational, psychological and vocational) services for chronic juvenile offenders are currently operating in Connecticut's four largest cities with the aid of federal funds. These too would become casualties resulting from a -\$0- OJJDP appropriation.

The above are examples of major systemic changes brought about through Juvenile Justice and Delinquency Prevention Act funding. The smaller, distinctly local, success stories which have occurred are too numerous to mention.

On behalf of Connecticut's Juvenile Justice Advisory Committee, the currently operating projects, but most of all the children and youth of Connecticut, I urge you to continue the Office of Juvenile Justice and Delinquency Prevention with a minimum appropriation of \$100 million.

Sincerely,

R. SAMUEL CLARK.

*Chairman, Juvenile Justice Advisory Committee.*

STATE OF MICHIGAN,  
DEPARTMENT OF MANAGEMENT AND BUDGET,  
Lansing, Mich., March 30, 1981.

Re Appropriation for Continued Implementation of the Juvenile Justice and Delinquency Prevention Act of 1980.

Hon. ARLEN SPECTER,

*Chairman, Senate Judiciary Subcommittee on Juvenile Justice,  
U. S. Senate, Washington, D.C.*

DEAR SENATOR SPECTER: On behalf of the Michigan Advisory Committee on Juvenile Justice, I am conveying our position on the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA). The ACJJ Committee, as authorized by the Act, is a representative group of lay, professional, and young people concerned with the juvenile justice system. We believe the Act should be continued as a separate grant program and funded at or near its current level. The JJDPA was reauthorized in December, 1980 with bipartisan support in both houses for a four year period and is entering its most crucial period.

The success of the JJDP Act is due to its policy framework and mandates and subsequent appropriations; it reflects effective federal leadership and state-local implementation. We have just reached substantial compliance with the mandate for deinstitutionalization of status offenders. In Michigan over 1600 status offenders were in secure detention in June, 1975. In June, 1980 120 youth were detained, a reduction of over 90 percent. Without the mandate of the Act, we wonder if the courts will maintain the discipline of handling status offenders without incarceration. We are just beginning efforts to remove juveniles from jail and to focus on juveniles' juvenile crime.



In a time when crime seems to be on the rise (note recent articles in Newsweek and Time) it seems to us imperative to continue efforts to prevent juvenile delinquency and to confront the problems of the serious juvenile offenders who clearly need more attention and more aggressive intervention by the juvenile justice system.

We have heard great concern from communities over the impact of Michigan's economic downturn on juvenile crime. Urban leaders in particular fear crime will rise to neutralize the gains we have seen over the past three or four years. Rising caseloads could overwhelm resources already weakened by budget cutting.

For all these reasons, we urge you to consider these principles supported by the ACJJ:

(1) The JJDPa should continue in force as the policy framework for juvenile justice improvements.

(2) The Office of Juvenile Justice and Delinquency Prevention should remain within the Department of Justice.

(3) The appropriation level should remain at or near the fiscal year 1981 level, \$100 million.

(4) If a reduction is required, it should come from the special emphasis program, not from the state block grants.

If you have questions regarding these issues, please call me at (517) 333 9017 or Michigan State Police Sergeant Jack Shepherd, Vice-Chairperson, at (517) 372 2839. Your consideration of our views on sustaining improvements in juvenile justice is greatly appreciated.

Sincerely,

ILENE TOMBER,

*Chairperson, Advisory Committee on Juvenile Justice.*

#### MICHIGAN JUVENILE JUSTICE INITIATIVES AT RISK

Projected Activities for JJDPa funding in Michigan for the next few years are outlined in the statewide program initiatives listed below. These initiatives are the result of careful development over the past few years and build toward comprehensive improvements in the juvenile justice system in Michigan.

But if JJDPa appropriations are eliminated, many of these initiatives will be curtailed and all will be slowed.

Many of the improvements in the juvenile justice system in Michigan over the past few years occurred through the direction and funding available through the Juvenile Justice and Delinquency Prevention Act. If this source of leadership and funding is eliminated, many juvenile justice improvements in this state and throughout the country could be thwarted.

#### FUTURE STATEWIDE PROGRAM INITIATIVES

##### *Runaway service system*

Providing a crisis intervention runaway hotline, 19 counselors in 38 counties, and temporary emergency shelter for youth for whom jails serve as the only alternative to return to home, this major program effort should complete statewide services coverage and should be instrumental in achieving the federal deinstitutionalization of status offenders mandate.

##### *Jail removal initiative*

This major program initiative will include funding for major portions of a statewide juvenile regional detention system, funding for a detention screening criteria study, and funds for conferences, workshops and training on removal of juveniles from jail. This effort addresses the 1980 Juvenile Justice and Delinquency Prevention Act provisions requiring the removal of juveniles from adult jails and lock ups by 1985.

##### *Regional detention system (RDC)*

A component of the Jail Removal Initiative, implementation of the Regional Detention System should also impact on the deinstitutionalization of status offenders. Funds to implement the in home detention, shelter care, and perhaps transportation portions of the RDC are projected for the coming months.

##### *Serious offender programming*

This initiative will address the problem of the serious juvenile delinquent and provide additional resources to local services providers to reduce the threat to public safety posed by these youth. A careful review of current efforts to identify and rehabilitate the serious delinquent is underway, with funding of appropriate new services projected for later this year.



### *Chronic status offender*

In Michigan, as elsewhere throughout the country, significant advances in the provision of nonsecure services to status offenders have occurred in recent years. It is becoming increasingly clear that for a relatively small percentage, from 2 to 5 percent, of the status offender population, existing services have not worked well. These youth are characterized by repeated incidents of runaway behavior. A careful assessment of this group, the services which work best with them, and other promising methods are underway. Funding for specific new or adopted services for this group will occur shortly.

### *Central referral agency*

This initiative will improve the speed and quality of referrals for out of home placements in order to address problems in the system. Currently, youth awaiting placement in a public or private child caring institution remain in high cost detention facilities without adequate programming, while their caseworker attempts to determine which placement setting would be best, which institutions have openings and whether a particular institution will accept the referral. This process is hampered by lack of information, oversight, and evaluation feedback on placement outcomes. Funding will be provided this year for a project to compile information on all placements available in the state and a vacancy system to determine where bed space is available.

### *School violence and vandalism*

This initiative was initially fostered by OCJ financial support to the 1979 Governor's Task Force on School Violence and Vandalism. The task force conducted a survey of violence and vandalism in Michigan secondary schools and issued a number of recommendations to address these serious problems. These task force recommendations are in the process of being implemented through OCJ subgrants and activities of the Department of Education Office of Safe Schools. With the continuation of OCJ financial support the enactment of these task force recommendations should improve the safety and security of the school learning environment.

### *Diversion services*

As the culmination of a five year planning process, OCJ financial support for the careful development and testing of the diversion concept will occur in the near future. This effort will experimentally examine the results of diverting youth from the juvenile justice system to specific diversion services in contrast to referral to no services and to traditional court services. This project will expand services to youth in target communities, but more significantly, conduct applied research on the relative benefit of diversion services.

### *Delinquency prevention*

This initiative will provide funding to local and state-wide efforts to increase opportunities for youth to be meaningfully and productively involved in the decision-making process. The specific goals of this effort are to decrease juvenile crime through the provision of direct services and through changing institutions which deal with youth. The systems change strategy will seek to reduce those aspects of institutions which may inadvertently foster youth alienation, apathy, antagonism, mistrust and, thereby, foster delinquency.

## SERIOUS OFFENDER INITIATIVES

A continuing priority for the juvenile justice system in Michigan is to deal effectively with the serious juvenile offender. This issue receives more attention on an ongoing basis than any other issue in the field. The proportion of funding to deal with this problem is higher than for any other target population. The issue also receives the most media attention. In many respects it is the most misunderstood issue in the juvenile justice system.

The Office of Criminal Justice has been keeping careful track of this problem throughout its existence. The thrust has been, is, and will always be a key concern to the juvenile justice system and to any state body with responsibility in the juvenile justice area.

In recent years OCJ funded serious offender projects from Safe Streets Act and Justice System Improvement Act (JSIA) Funds and deinstitutionalization of status offenders; prevention and diversion initiatives from Juvenile Justice and Delinquency Prevention Act (JJDP) funds. This funding strategy responded to provisions in the JSIA which required that funds be used only on youth who were under the jurisdiction of the juvenile justice system and provisions in the JJDP which mandated removal of status offenders from secure detention and emphasized prevention and diversion alternatives. In early 1980 when indications that the JSIA

might not be funded emerged. OCJ adopted a policy which permitted continuation of JSIA projects with JJDPA funds. At the same time OCJ began to explore ways to continue the mandated removal of status offender initiatives and to address serious offender issues with greatly reduced funding.

Since October 1, 1980, the beginning of the federal 1981 fiscal year, OCJ has been committed to dealing with serious crime initiatives with JJDPA funds. Because of the reduction in funding available, we are pursuing a tighter, more structured approach to all of our initiatives, including the serious offender issue and the mandated removal of status offenders from secure detention initiative. Impacting the serious offender issue with JJDPA funding is a change in funding strategy and a continuation of our attention to serious offenders.

The Office of Criminal Justice deals with the serious offender issue in several very specific ways.

1. The most important continuing responsibility is to maintain an accurate, up-to-date knowledge base regarding the problem. This involves keeping a current understanding of the Uniform Crime Report statistics on serious offenses, a current understanding of the bed space requirements for serious delinquent youth, and treatment programs which can assist chronic, repeat criminal offenders.

2. More important in many respects is keeping abreast of public opinion regarding the serious offender. The random acts of violence perpetrated by juveniles, particularly young juveniles is offensive to the public. Trying to help the public understand the issue and act to support efforts to reduce violent crime by juveniles is a continuing high priority.

3. Organizing the budget to deal with the serious offender is a continuing assignment. The need for public protection of our citizens from violent juvenile offenders is a clearly understood high priority.

4. Organizing the juvenile justice system to handle the serious offender is an equally important task. All aspects of the juvenile justice system fit in, because the clear message from what we know of the system is that the way in which the system treats the juvenile in his/her early contacts has a great deal to do with whether the youth will become a chronic, serious juvenile offender. Having a comprehensive program to deal with youth brought to the attention of the juvenile justice system is a very important part of an overall serious juvenile offender program.

5. Approaching funding for all programs from the perspective of how the funding will impact on serious crime is a key part of the strategy. Every project proposed and implemented must show some relationship to a residual impact on the serious juvenile offender. Programs dealing with all segments of the field are developed in this manner, including crime prevention, law enforcement, prosecution, adjudication, and treatment.

Some information on projects which we plan to implement with fiscal year 1981 JJDPA funds which will impact on the serious offender issue are outlined below.

1. The Ann Arbor Police Department will be applying for a subgrant to implement a major revision in its method of dealing with juvenile criminal offender. The project will provide for a new intake system, increased attention to serious juvenile offenders, quicker contact with the prosecutors office, and more attention to follow up. The program will permit a refocusing of the current Ann Arbor Police Department staff to permit improved handling of serious offenders.

2. The Childrens Central Referral Agency in Wayne County will improve the speed and quality of placements of felony state wards in state training schools and private institutions. This project will facilitate placement of serious offenders in correctional and treatment programs. The need for this program to improve handling of serious offenders addresses a long standing concern in Detroit and Wayne County. It may also free up needed space for secure detention of youth who now must be returned to the streets due to a lack of bed space.

3. The Michigan Federation of Private Child and Family Agencies will receive its first subgrant to develop a directory and a vacancy system for the placement of felony youth throughout the state. Currently juvenile court staff and community service workers spend too much time finding placements for hard-to-place youth. The lack of a central system also leads to an inability to develop new programs targeted to the needs of offenders with particular treatment needs.

Active Juvenile Justice and Delinquency Prevention  
Subgrants in Michigan, by Congressional Districts  
and Regions

Congressional District	State Rep. District	State Senate District	OCJ Region	OLW Grant Number	Subgrantee	Project Name	Project Description	Federal Amount \$
All			State	27344-2379	Department of Social Services	Roscommon Alternative (Roscommon, Ogemaw & Iosco Co.)	24 hour crisis counseling and temporary shelter for runaway youth	\$51,670
All			State	30369-1379	Department of Social Services	Upper Peninsula Diversion & Prev. (Delta, Iron, Chippewa, Luce & Marquette)	Delinquency prevention and diversion services	\$125,000
All			State	30428-1379	Department of Social Services	Regional Detention Program	Implementation of regional detention facilities throughout the state	\$38,340
6, 2			1	27726-2379	Washtenaw County	Children at Risk	Extensive study of abuse & delinquency services & coordination of them throughout the county	\$72,317
02			1	29654-2379	Ann Arbor	Alternatives For Youth	Provides intensive casework serv to youth in selected high crime neighborhoods	\$47,574
12			1	27381-1380	Child & Family Services	Gates House	Group home for status offenders as an alternative to institutions.	\$67,286
02			1	27751-2380	Ypsilanti School District	Juvenile Intervention	Program to increase coordination of services to problem youth and to provide school system improvement	\$81,450
6			2	29325-2380	Jackson County	Child and Parent Abuse Center	Day care for abused children & counseling for their parents	\$41,910
03			3	27763-1379	Kalamazoo County	Video Tape Project	Development of inservice training program for juvenile court staff	\$26,697
03			3	27767-2380	Kalamazoo County	Juvenile Drug Prevention	Provides training on drug recognition to teachers, probation officers and students	\$21,876
3			3	28386-2380	Calhoun County	Special Probate Prosecutor	Program to provide special attention to youth needs in prosecution proceedings	\$40,073
04			4	28786-2380	Cass County	Police Juvenile Diversion	Established two deputies as juvenile specialists	\$43,582
08			5	26828-1379	Lapeer County	School Liaison	Provides two deputies assigned to public schools	\$38,348
07			5	30034-1379	Genesee County/Youth Corp.	Residential Facility	12 bed runaway facility & crisis counseling services	\$212,557

Congress District	State Rep. District	State Senate District	OCJ Region	OCJ Grant Number	Subgrantee	Project Name	Project Description	Federal Amount \$
06			6	30237-1379	Michigan State University	Juvenile Detention	Contract for statewide monitoring of the jailing & detention of status offenders	\$69,905
06			6	27631-2380	Drug Education Center	Tri-County (Eaton & Clinton Counties)	Crisis counseling & temporary shelter for runaway youth	\$116,319
10			7	29139-2379	Midland County	The Cornerstone	Counseling services to runaway youth & referred to shelter facility if needed	\$64,732
08			7	29691-2380	Carrollton Township	School Resource	One police school liaison officer assigned to school district	\$16,366
10			8	25316-2380	Eagle Village, Inc.	Eagle Village	Short term placement & year around counseling for status offender youth in 10 counties	\$74,801
11			9	29044-2380	Crawford County	Youth Service Bureau	Diverts youth from juvenile court by providing referral & counseling services	\$7,750
10			10	28864-2379	Kelbaska County	Youth Officer	Deputy who has become a juvenile specialist	\$17,034
11			11	29164-2380	Luce County	Newberry Youth	Establishment of a drop in center which has counseling & recreational activities	\$12,500
11								
11			12	24027-1379	Marquette County	Community Care	Training of foster parents & finding new foster homes for youth who would otherwise be sent to juvenile institutions	\$12,454
11			12	28146-2380	Menominee County	Shelter Home	Provides a 4 bed shelter home for status offender youth	\$38,542
11			12	30333-1380	Schoolcraft County	Foster Homes	Provides a 4 bed shelter home & counseling to status offender youth	\$29,463
09			14	28026-2380	Muskegon County	Post-separation Counseling	Counseling to parents who are divorced to assist them in rearing their children	\$61,578
09			14	28365-2380	Grand Haven Public Schools	Alternative Education	Counseling for teen age youth that have delinquency and/or school related problems	\$47,473



DEPARTMENT OF CORRECTIONS,  
Waterbury, Vt., March 31, 1981.

Hon. ARLEN SPECTER,  
U.S. Senate, Committee on the Judiciary,  
Subcommittee on the Juvenile Justice, Washington, D.C.

DEAR SENATOR SPECTER I wish to express deep concern regarding the need for continued funding of the Office of Juvenile Justice and Delinquency Prevention.

OJJDP has been instrumental in the State of Vermont's efforts to address the needs of juveniles at all levels. Grant assistance has made possible the reorganization of Vermont's Juvenile Service delivery system, improved delinquency prevention programs, and assisted several schools in revising their disciplinary procedures. In addition a variety of other successful local community efforts have been initiated.

At a time when crime and violence are on the increase, more attention must be paid to the serious problem of destruction of the family and resulting delinquency. This, I believe, is the core of the problem of crime in our great country. The efforts of juvenile programs such as OJJDP must be increased not decreased if we are to begin to impact on families. Dealing with this problem at its roots is a sound investment for the future, as compared to the tremendous burden on taxpayers resulting from construction and maintaining prisons.

As a practitioner, in a profession that lacks resources to deal with problems that affect the fabric of society itself, I respectfully request that you support increased funding for juvenile delinquency and prevention programs.

Sincerely,

WILLIAM CIUROS, Jr., Commissioner.

DELAWARE CRIMINAL JUSTICE PLANNING COMMISSION,  
Wilmington, Del., April 1, 1981.

Hon. ARLEN SPECTER,  
U.S. Senate  
Washington, D.C.

DEAR SENATOR SPECTER. It is our understanding that the administration has not recommended the continuation of the Office of Juvenile Justice and Delinquency Prevention OJJDP. Delaware has been receiving Juvenile Justice and Delinquency Prevention JJDP funds since 1975 and we have disbursed approximately \$4,000,000 for the improvement of the juvenile justice system in Delaware. We have removed runaways, truants, and uncontrolled children from our criminal system in Delaware. We have removed runaways, truants and uncontrolled children from our criminal justice system and have placed them in the social service system where they can be helped most. Our juvenile funds (received from OJJDP) have been utilized to operate police diversion projects, juvenile police training, prosecution and defense for serious juvenile offenders, mental health services, correctional training and community based residential and non-residential services for delinquent juveniles. It is our opinion that OJJDP has provided Delaware with national leadership in a time of diminishing resources and conflicting goals of criminal justice agencies.

It is our opinion that without the influx of money specifically identified for juvenile justice purposes, most of the innovations accomplished in the juvenile justice system would not have happened in Delaware. We are, therefore, recommending to you as the major practitioners of criminal justice in Delaware that the Office of Juvenile Justice and Delinquency Prevention not be abolished and that funding not be cut from this vital area. Since we have removed dependent neglected children from the criminal justice system, our Juvenile Justice and Delinquency Prevention funds have focused more on the serious juvenile offender who is currently plaguing our society with a rash of violent crime. It is vital to our state that we continue to receive funds to deal with this problem.

Thank you for your assistance in this matter.

Sincerely,

DANIEL F. WOLCOTT,  
Chairman, Juvenile Justice Advisory Group.



THE STATE SENATE,  
Atlanta, Ga., April 1, 1981.

Hon. ARLEN SPECTER,  
Chairman, Senate Judiciary Subcommittee on Juvenile Justice,  
Washington, D.C.

DEAR SENATOR SPECTER: As a Republican State Senator in Georgia I have been very interested and involved in the provision of services for children and youth. Through legislation and legislative study committees I have studied issues involving juvenile justice, child abuse and neglect, truancy and discipline in schools, and other issues. As a result I have become very concerned about the proposed cuts to juvenile justice services, the abolishment of the OJJDP and what resultant funds and services would be available to the states.

Mr. Jonathan Levin of your staff was very helpful and suggested, because of scheduling commitments that I submit by testimony in writing and it is attached I appreciate the opportunity to do so I would also like to request I be notified of your Sub-Committee hearings dealing with children and youth issues. Because of my involvement and interest I would like to be considered for possible testimony before your committee in the future.

If I can be of any help or assistance please feel free to contact me. Thank you for your time and consideration.

Sincerely,

ROBERT H. BELL

#### STATEMENT OF ROBERT H. BELL

##### OJJDP IMPACT

Mr Chairman and members of the committee, I am concerned that the progress we have made in Georgia will be severely hampered with the cutting of OJJDP's budget. Although I am sympathetic with the Administration's recommendations I implore you to find some method to continue providing the technical assistance and grant funds and the JJDP Act. The JJDP Act and the OJJDP has given Georgia the impetus to make outstanding progress in juvenile justice. The Act coupled with the funding and technical assistance support from the office have enabled the public and private sectors to form coalitions that will provide leadership for Georgia's children. Without this office and these funds the State of Georgia's juvenile justice services will be badly harmed.

My intention here is to describe in further detail the impact and effects of the JJDP and the OJJDP.

Virtually all community alternative programs in Georgia's juvenile justice system were originally funded by LEAA/OJJDP. Deinstitutionalization would have been negligible without these programs. Community-based programs are intensive intervention efforts that make possible the treatment, in their own community, of juvenile status offenders, and non-violent delinquents who would otherwise be placed in institutions. Most of these programs were LEAA/OJJDP funded for a specified demonstration period; after which time state funds have been appropriated for their continued operation. For these status offenders and less serious delinquents, these programs have done much to reduce the potentially harmful effects of institutionalization, thus allowing Georgia's Department of Human Resources' Division of Youth Services to more properly use its institutions for the more serious juvenile offender. These cost effective programs are strategically located in high commitment areas in the state.

Measured by any objective standard, these programs have had a rather remarkable impact on troubled young people by Georgia's juvenile justice system.

A very vital program that continues to be funded by OJJDP is the purchased services program. This enables the Division of Youth Services to purchase highly specialized services from outside the agency for certain youth. An example would be the Wolfcreek Wilderness program which has been a very effective alternative program. The Division of Youth Services is also able to use funds from this grant to purchase highly specialized residential treatment for some very disturbed youth who can not be effectively served in the public system. By purchasing specialized services, the Division does not have to duplicate services in existing child care agencies, the individual needs of youth can be matched with the most appropriate service provider, and services can be more effectively provided by the contracted agency because of their particular experience and expertise.

A long range goal of Youth Services has been to make community alternative placements for 50 percent of all youth committed to our custody. In fiscal year 1979, 31.4 percent of all committed youth were placed in community programs in lieu of

Youth Development Center placement. In fiscal year 1980, forty three percent (43 %) were placed in community programs. The DYS predicts that 1981 diversion rates will equal or exceed this level.

In addition, the Division of Youth Services has a long range goal of serving 15 percent of all youth needing detention services in alternative placements. In fiscal year 1979 and fiscal year 1980 Community Detention Programs served 12 percent of the youth served in all DYS Detention programs.

The above represents but a small portion of the services made possible by the OJJDP funds. The Georgia Administrative Office of the Courts along with various private sector organizations have also been recipients of funds which have contributed significantly to the coordination between the public and private components of the Georgia Juvenile Justice System. The people and particularly the children of Georgia, have been helped immensely by these services.

In addition numerous technical assistance requests have been filled by OJJDP funded providers giving Georgia access to expertise and ideas that would have been unavailable or too costly to use otherwise.

It is my request and recommendation that if the Committee cuts funds to OJJDP that you give serious consideration to providing a readily identifiable juvenile justice organizational entity with sufficient funds for juvenile justice projects, technical assistance and services. Without the availability of these services de-institutionalization efforts and services to Georgia's troubled youth in general will be drastically altered.

Thank you for the opportunity to present my views. If you and other members of the committee have any questions or require any additional information please feel free to contact me.

NEW YORK STATE EXECUTIVE DEPARTMENT,  
DIVISION FOR YOUTH,  
Albany, N.Y., April 1, 1981.

Senator ARLEN SPECTER,  
Chairman, Subcommittee on Juvenile Justice,  
U.S. Senate, Washington, D.C.

DEAR SENATOR SPECTER. I would like to take the opportunity to urge your support for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) under the Department of Justice. While we within the New York State Division for Youth appreciate efforts by the Administration, Congress, and the Senate to restore accountability and public confidence in the Federal budget, we are gravely concerned that OJJDP consolidation or reduction will virtually cripple, eliminate major juvenile justice and delinquency prevention activities throughout New York State.

Unlike any other time in history, the problems of youth represent a unique combination of social, economic and environmental factors which impact upon deviant and criminal behavior, public safety and family functioning. Specifically, Youth unemployment remains at 15-20 percent and approaches 40 percent for minority youth. School drop-out rates have increased to nearly 50 percent in many urban areas. For NYS youth under 19 years of age, there were 18,000 births to single teens and approximately 33,000 abortions in 1978, and thousands of NYS youth are homeless, abandoned or without alternative home situations.

As such, it is paramount that a national juvenile justice policy be continued and prioritized in order to respond to the myriad of youth problems and needs.

Secondly, the Office of Juvenile Justice and Delinquency Prevention, through a coherent and cohesive national juvenile justice agenda, has achieved demonstrated impact upon youth treatment, public safety, and rehabilitation. Notable accomplishments have included: reduced use of detention and adult jails for juveniles, achievement of de-institutionalization, development of juvenile justice standards, and evaluation of replicable delinquency prevention models and programs. Concurrently, the passage of the NYS Juvenile Justice Reform Act of 1978 and subsequent amendments have created a significant need to provide long term rehabilitative programming in order to respond to debilitating youth characteristics. Also, it should be noted that the prevailing economic and social conditions necessitate intensive prevention activities at the local level if we are to divert potentially troubled and troublesome youth.

Finally and most importantly, I cannot emphasize enough that juvenile justice programs maintain a different focus and often serve a different population than traditional social services programs. While serving youth with social services needs, juvenile justice programs both residential and community based require more substantial intervention and are not closely related to funding formulas, select target populations, and eligibility criteria. As such, it is essential that funding and policy

initiatives be distinguished in order to avoid fragmentation overlap and lack of service.

In closing, let me emphasize the need to ensure Federal juvenile justice integrity through continued prioritization and funding of the Office of Juvenile Justice and Delinquency Prevention. To arrest the aforementioned process would eliminate future juvenile justice and delinquency prevention activities in New York State as well as represent a serious breach of faith by Congress.

As always, the New York State Division for Youth stands ready to assist you.

Sincerely,

FRANK A. HALL, Director.

THE STATE SENATE,  
Atlanta, Ga., April 2, 1981.

HON. ARLEN SPECTER,  
Chairman, Senate Judiciary Subcommittee on Juvenile Justice,  
Washington, D.C.

DEAR SENATOR SPECTER. I have been very interested and involved in children and youth services for a number of years, both as a legislator and as a private citizen.

Part of my interest stems from having "run away" from home at the age of 15 and starting my own life. This has given me an unusual perspective to view the ways we carry out our responsibilities to our children.

Because of my experience and involvement I welcome the chance to provide you and your Committee with testimony on the OJJDP and its funding cuts. My testimony is enclosed. I would also like to know when you plan to hold hearings on other issues pertaining to children and youth and quite possibly I might like to have the opportunity to testify.

Your staff, in particular Jonathan Levin and Merrie White, have been most helpful in answering questions for my office. I appreciate their assistance.

Thank you again for the opportunity to offer my views. If I can be of any help please contact me or my staff.

Yours to count on,

FLOYD HUDGINS.

#### GEORGIA'S CHILDREN AND THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

As a member of the Georgia State Senate, and of several juvenile justice study committees, and having authored many of Georgia's juvenile justice bills, I have been in an unique position to observe and participate in legislative reform in Georgia. Most of this reform has been prompted and supported by Georgia's participation in the Juvenile Justice and Delinquency Prevention Act (JJDP). Examples include Limiting detention of status offenders to 72 hours, Removal of status and non-offenders from jails, Limiting of jailing of delinquents to 18 hours and requiring physical separation of juveniles from adults, Removal of nonoffenders from secure detentional correctional facilities, Mandated training of Juvenile Court judges, and, Requiring prosecutorial assistance from District Attorney's in Juvenile Court.

In addition to these legislative changes the State of Georgia has been able, through JJDP funds to make significant programmatic accomplishments over the last five years. These accomplishments include. Implement a uniform juvenile docketing system, Automated the information system for juvenile courts of the State which gives statistics on referrals, recidivism, children represented by an attorney, and dispositional choices, Established community based programs. Purchase of Services Grant is a subsidy program to encourage juvenile courts to develop local community resources, Publication and Distribution of the Juvenile Court Manual and Juvenile Court Benchmark, and, Development of a Juvenile Justice masterplan.

The "seed" money to begin these efforts would have been fruitless if the JJDP Act didn't provide a foundation for fostering coalitions between the private and public sectors or if the state did not continue funding. In Georgia the establishing of this coalition has meant that these legislative and programmatic improvements have occurred in many cases with almost universal support of all parts of the juvenile justice system. This has been virtually unheard of in Georgia prior to the Act and the resulting funds.

The State of Georgia has had an excellent record of picking up funding of demonstration projects begun by JJDP funds. Attached is a list of state funding of LEAA JJDP programs. In my opinion the federal funding of juvenile justice projects has been some of the most cost beneficial of any federal funding.

These vital improvements were achieved, as are most important changes, through long hours of difficult and concerned debate and discussion. But without the JJDP Act and funds as a base and guide the difficulties would have been insurmountable. I am committed to continuing to improve the lot of children and youth in Georgia, but my commitment without the necessary assistance of funds and expertise, will not be enough.

In juvenile justice the Federal government's responsibility to the states has been three fold: First it has been to provide a general overall direction and guide for states, such as the JJDP Act, secondly, it has been to provide "seed" money for demonstration projects, so states can test out new ideas or begin to establish programs to help meet federal guidelines, and thirdly to give states technical assistance and expertise in developing public information, legislation, programs, and support services.

If the federal government continues to uphold its responsibilities each state will also continue to prosper and improve how it handles its troubled children. But if the Federal government absolves itself of all responsibilities in this area then each state will suffer irrevocable harm through an infusion of youth "graduating" to a life of crime rather than to productive lives.

Because of this I feel that all three responsibilities are necessary to continue an atmosphere conducive to change. Therefore I recommend that the funds cut from the OJJDP be restored and the office be retained. If a nation will not spend money for its children, then pray tell what is a higher priority?

I want to thank you for your time and consideration. If there are any questions or additional information needed please feel free to contact me.

FLOYD HUPGINS.

#### *State funding of LEAA/JJDP programs*

<b>Fiscal year 1978:</b>	
3 group homes .....	\$300,000
8 community treatment centers.....	430,000
<b>Total .....</b>	<b>730,000</b>
<b>Fiscal year 1979:</b>	
Community detention .....	130,000
4 community treatment centers.....	200,000
<b>Total .....</b>	<b>330,000</b>
<b>Fiscal year 1980:</b>	
4 community treatment centers.....	180,000
Community detention .....	40,000
<b>Total .....</b>	<b>220,000</b>
<b>Fiscal year 1981:</b>	
Community detention contract homes.....	250,000
<b>Fiscal year 1982:</b>	
Management information unit, training unit, 50 attention homes, 50 contract homes, community detention workers, crisis counsel- ors, intake workers (37 total positions).....	730,000
<b>Total State fund, pickup fiscal year 1978-82 (inclusive).....</b>	<b>2,260,000</b>

CITY OF LOS ANGELES,  
OFFICE OF THE MAYOR,  
Los Angeles, Calif., April 2, 1981.

HON. ARLEN SPECTER,  
Chairman, Subcommittee on Juvenile Justice,  
Washington, D.C.

DEAR SENATOR SPECTER Attached for consideration by the Senate Judiciary Subcommittee on Juvenile Justice is a statement prepared by the Mayor's Office and Police Department of the City of Los Angeles relative to the proposed elimination of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Because of the severity of the juvenile crime problem in this City, and the great need for assistance

from the federal government in addressing this crisis, we urge your Subcommittee to support continuation of the OJJDP and its program.

Very truly yours,

ROSE MATSUI OCHI,  
Executive Assistant to the Mayor.

SAM WILLIAMS,  
President Los Angeles Police Commission.

Attachment.

TESTIMONY SUBMITTED TO THE SENATE JUDICIARY SUBCOMMITTEE ON JUVENILE JUSTICE PREPARED BY THE CITY OF LOS ANGELES RELATIVE TO THE PROPOSED ELIMINATION OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

JUVENILE CRIME IN LOS ANGELES

Los Angeles, not unlike all major urban areas, has experienced a rapidly-increasing juvenile crime problem. Additionally, this City has been threatened by youth gang violence to a greater degree than ever before. Criminal activities by gang members now represent a community problem of the first magnitude, with little prospect of early abatement.

An analysis by the Los Angeles Police Department (LAPD) of reported Part I Crimes (which include homicide, forcible rape, robbery, assault, burglary, larceny and auto theft), during the past five years reveals an increase of 33.66 percent. Violent Crime has risen most significantly, with homicides (up 82.63 percent) robberies (up 75.45 percent) aggravated assault (up 45.80 percent) and rape (up 38.64 percent) being major crime problem areas. Arrest data, the primary indicator of juvenile criminal activity, reveal an alarming increase in juvenile homicide arrests of almost 150 percent since 1976.

According to the LAPD Gang Detail, there are a total of 89 youth gangs currently operating within the City. At least 174 gang-related homicides were recorded in 1980, with an overall increase in gang-related criminal activity of some 70 percent documented during the past year.

CITY EFFORTS TO STEM JUVENILE VIOLENCE

An estimated \$14 million of the annual City budget is earmarked for law enforcement efforts to suppress the rising juvenile crime problem. Of this total, \$7.1 million is provided to specifically deal with violent gang activity.

In a recent message to the City Council, transmitting a proposed \$1.5 million, city-funded gang abatement program, Mayor Tom Bradley stated that, "The growing problem of gang violence poses an undeniable threat to the safety of people in this City." The Mayor, in requesting the Police Commission to review effectiveness of current juvenile crime suppression programs in Los Angeles, has taken the position that crime reduction must be the City's top priority.

ASSISTANCE FROM THE FEDERAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

While the City has provided substantial financial support to its police department to combat the rising tide of youth violence, funding from the OJJDP has been instrumental in establishing programs within the community to complement law enforcement efforts. Of the number of community-based projects funded by OJJDP, three such programs have been selected to illustrate the types of programs efforts provided thereunder:

A *Alternative approach to the reduction of gang violence*—Funded with \$450,000 from OJJDP, the implementing agency, SEY YES, Inc., serves as a "third party" organization in reducing possible violent, gang-related events on school campuses, through use of crisis intervention and conflict management teams. During the past two years, staff of SEY YES have actively worked at 60 schools with a student population of 66,000 students, during this period, no major gang incidents or homicides have been reported on these campuses. Justice agency personnel in Los Angeles County along with elected officials of every level representing the program target area have enthusiastically supported the SEY YES community-based approach utilizing tools of crisis intervention, education and coordination with law enforcement to make inroads into the gang problem which afflicts Los Angeles.

B *Project HEAVY delinquency prevention and PCP intervention program*.—Funded with \$785,000 from the OJJDP, this project provides a variety of delinquency intervention and prevention services to youth in high crime areas of the City.

More than 1,000 juveniles referred by the police department and other justice agencies have received community based services such as social adjustment counseling, vocational guidance and placement and educational assistance as an alternative to justice system processing. The program's recidivism rate is estimated at 20 percent, lower than that accomplished by institutional approaches and other crime prevention strategies utilized to date. The Phencyclidine (PCP) Intervention component includes treatment for youth involved in PCP abuse, a community awareness campaign and a crisis telephone line, all of which serve to meet a critical need in the area of PCP abuse—a growing Los Angeles problem.

*C. Delinquency prevention education.*—Funded with \$165,000 from the OJJDP, this project is part of the major "Alternative Education" initiative to prevent delinquency through the development of options for youth whose educational and social development needs are not being met in traditional classroom settings. The operating agency, Constitutional Rights Foundation, has implemented the program in 15 California school districts, with participation by some 9,000 students. The program's goal is to reduce absenteeism rates of involved youth, increase knowledge of and provide positive interactions with the justice system, develop special curriculum materials for project schools, and organize justice agencies in the 15 communities to work directly with the young people. Preliminary evaluation data indicates that absentee rates in project classes were 11 percent lower than the overall school average. This program also enjoys an extremely favorable relationship with justice agency personnel and school administrators who recognize the value of working with youth in the school environment to instill positive attitudes about the justice system and society in our youth.

#### FUTURE INVOLVEMENT OF THE FEDERAL GOVERNMENT IN LOCAL JUVENILE JUSTICE PROGRAMS

Considerable discussion has taken place regarding the proposal to place juvenile justice in a social and health service block grant program in the Department of Health and Human Services, thereby eliminating the OJJDP. In our view, such a move would adversely impact efforts underway in the City of Los Angeles to meet the increasing juvenile crime problem. Thus, we would urge that the OJJDP, as a separate federal agency and budget, be retained. There is a continuing need for federal leadership and resources to be directed to the deeply entrenched problems of juvenile crime and delinquency.

The proposed delivery mechanism, which provides funding for juvenile justice programs via block grant funds to the states is unworkable. The states, when faced with dwindling revenues would likely fund other program priorities with more substantial constituencies.

In conclusion, considerable progress has been made in the City during the past several years in the development of alternatives to the incarceration of status offenders and in deterring high risk youth from involvement in criminal activity. Elimination of programs with demonstrated success would severely hamper the City's efforts to make inroads into the very serious crime problem facing the citizens of the City of Los Angeles.

GOVERNOR'S ADVISORY COMMITTEE ON  
JUVENILE JUSTICE & DELINQUENCY PREVENTION,  
STATE LAW ENFORCEMENT PLANNING AGENCY,  
Trenton, N.J., April 6, 1981.

Hon. ARLEN SPECTER,

*Chairman, Juvenile Justice Subcommittee  
Russell Senate Office Building, Washington, DC*

DEAR SENATOR SPECTER: President Reagan's proposed budget eliminates the only federal program directed at preventing and reducing incidents of juvenile crime in the Nation. On behalf of New Jersey's Juvenile Justice and Delinquency Prevention Advisory Committee, I strongly encourage you to examine the effective impact of this program and to support its continuation.

The Juvenile Justice and Delinquency Prevention Act of 1974, recently reauthorized in December, 1980, represents a comprehensive and at the same time specifically directed effort to address the problem of juvenile crime. The vast majority of the funds have supported projects designed and implemented by state and local jurisdictions. Federal special emphasis programs made additional monies available to states to replicate model projects and to create programs of particular interest seen as addressing common state and local issues. These have included restitution programs, multi-service centers for the serious offender, grass-roots community delin-



quency prevention projects and activities within schools having juvenile crime problems.

A number of these special emphasis grants have been awarded to New Jersey. We have seen the Office of Juvenile Justice and Delinquency Prevention as an integral partner in the development of projects and in providing helpful technical assistance and direction in the disbursement of state block grants. The elimination of this office together with a failure to appropriate funds to carry out the goals and mandates of the JJDP Act will seriously impair the strides already made in New Jersey as well as those in progress.

One of the largest losses to New Jersey would be the probable collapse of a program to separate juvenile offenders from adult offenders in state correctional facilities. This affects up to 500 youngsters. Other projects affected would include family crisis intervention and counseling services, probation projects for the more serious offender and juvenile court services.

The short impact paper which follows provides a description of specific programs and changes in the New Jersey juvenile justice system supported by federal funds and which would be affected by the loss of the JJDP Program.

Please let me know if I or any Committee member can assist you in your deliberation.

With best wishes,

LILLIAN G. HALL, Chairperson.

Enclosure.

#### IMPACT IN NEW JERSEY OF LOSS OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT PROGRAM

The transfer of the Juvenile Justice and Delinquency Prevention (JJDP) Act from the Department of Justice to the combined health and social service block grant program within the Department of Health and Human Services will have an adverse impact on advances made and underway in New Jersey. Having juvenile justice compete with up to 39 other programs after the cumulative budgets have been cut by 25 percent will put the concerns of delinquency prevention and treatment back to a position found in 1968 before the Crime Control Act and the JJDP Act were passed. A separate program is needed to focus attention and serve as the catalyst for change as can be shown by the following information.

The availability to New Jersey of federal dollars through the Juvenile Justice and Delinquency Prevention Act tied to the far reaching mandates of that legislation has produced a striking shift in New Jersey's system of juvenile justice. This has been complemented and reinforced by the support of substantial funds through the Omnibus Crime Control and Safe Streets Act (LEAA Program) which began a phase-out of fiscal year 1981, as well as by the initiative and leadership provided through the State's Planning Agency, JJDP Advisory Committee and the federal Office of Juvenile Justice and Delinquency Prevention.

The transformation of many components of the juvenile justice process and programs in the State would not have occurred without the interaction of all these forces. To diminish any part of them, much less eliminate completely, will have a depressive effect on program activities, staff functioning and most of all children and their families in need of intervention and support.

Since 1970 major changes in the system and the development of service networks have resulted from relatively modest sums of federal dollars. The State's awards through the JJDP Act have varied from about \$300,000 for fiscal year 1975 to approximately \$2 million annually from fiscal year 1978 to fiscal year 1981. Funds had been also awarded through the Crime Control Program for juvenile justice until fiscal year 1981 with levels varying from about \$1.5 to \$4 million each year. In fiscal year 1981 the Crime Control monies were cut from the Budget.

The New Jersey juvenile justice programs provide a focus on prevention, diversion and formal system handling including detention and correctional commitment. No other major source of funds in this State has initiated programs which specifically target the juvenile delinquent and status offender. Without continuing financial support and the federal leadership which prompted and perpetuated such programs, few will survive because of the severe economic constraints on state and local governments. The immediate consequences of a loss in JJDP funds will result in:

1. The premature termination of seven presently funded youth service bureaus providing prevention focused services to approximately 2,500 children and many of their families annually. There are regional bureaus in Somerset, Gloucester and Ocean Counties and Medford Township which serve a total of 31 municipalities and bureaus in the cities of Paterson and Newark.

2. The likely dissolution of six present and potential family counseling and crisis intervention programs which forestall future contact with the juvenile justice system. This would affect Hudson County, Essex County, Irvington and Newark projects.

3. The loss of a minimum of five potential juvenile court and probation projects.

4. The highly probable loss of the entire separation effort which has changed the shape of juvenile corrections in the State. The separation effort is the product of a requirement of the Juvenile Justice and Delinquency Prevention Act to cease the practice of commingling juveniles and adults in correctional institutions. This has been achieved in New Jersey after five years only because of the financial support through the federal government.

Over 500 juvenile offenders have been moved to facilities where there are no adult offenders housed at all or are committed to institutions where they are separated from adults. Continued federal support for these programs is vital.

Not only were juveniles separated but more diversified and individualized programming has been established for them. Preliminary evaluation done by the State Planning Agency and also by Rutgers University shows that certain treatment approaches which are now more common because of the separation programs are more effective in raising self-esteem than traditional corrections services.

#### *Overall impact of a Federal crime control and JJDP Act program in New Jersey*

The programs described below reflect the evolution of permanent system change in many parts of the juvenile justice process and its institutions. They validate the goals and vision of the JJDP Act and deserve continued support. Many of the programs reach children at a point in time when they can be prevented from having further contact or experience with the juvenile justice system. A loss of JJDP funds particularly with the loss of federal emphasis on juvenile justice will no doubt prevent growth of these programs.

#### PREVENTION PROGRAMS

**Target.** Youths at risk of involvement in the juvenile justice system including truants, school suspended and drop-outs, runaways, those having trouble at home and whose families are in need of support.

**Programs.** *Youth service bureaus.* 23 statewide serving populations on a county wide, city wide, regional or local basis. Almost 10,000 youngsters and many families reached and served annually. Direct and referral services in drug and alcohol counseling, family therapy, job counseling and training, tutoring. Adjunct to court and police departments and work with schools and private agencies.

*Delinquency prevention educational specialists.*—A specialist in each of the state's four regional education improvement centers are available to every school system in the State. Provide training, models in alternative education, community organization and local agency coordination. Have received substantial federal grants to enhance individual efforts. This is the brainchild of the State's JJDP Advisory Committee, created pursuant to the JJDP Act and staffed through the State Law Enforcement Planning Agency.

*Crisis houses and counseling.* A newly developing initiative that catches crises at the time they happen to forestall possible future entanglement with the law by the children. Treats child behavior within context of family. Five programs in Bergen, Middlesex, Monmouth, Camden and Passaic counties and one about to begin in Mercer. Each program serves approximately 100-150 youths and their families. This approach is much needed as shown by the increasing demand on the part of county, court and police agencies as well as private social service programs.

#### DIVERSION PROGRAMS

**Target.** Youths who have been arrested and/or who have gone further into the system. These programs specifically aim to provide an alternative to what would be the next step in the traditional process.

**Programs.** *Police social workers.* 31 projects serving single or multiple municipalities which work with an estimated 6,000 children who come into contact with police. Family members also participated in the counseling sessions. Social workers and police officers have come to a new respect for each other and have formed powerful teams that reach into schools and neighborhoods. Excellent assumption of costs of these programs by local units of government.

*Juvenile and domestic relations court intake.*—Total change in screening of all juveniles after police arrest through this intake process. This is now a statement program with units in all 21 counties and funded to a great extent initially through federal LEAA and JJDP monies. Almost half of the juveniles against whom com-

plaints are signed are diverted by intake out of the formal juvenile court process and into informal conferences and community youth serving agencies. Intake also oversees the decisions to detain alleged delinquents in county facilities.

**Day treatment** — A new effort which is now demonstrated in two counties, Union and Essex, and about to begin in Hudson County. Provides a non-residential program including education, counseling, connections with community services to juveniles adjudicated delinquent by the court. Serves approximately 80 juveniles a year. Less costly than institutionalization.

#### \* COURT DISPOSITION AND DETENTION PROGRAMS

**Target:** Youths charged with serious delinquent acts and those adjudicated for these acts.

**Programs:** *Detention* — 14 out of the 18 detention facilities in the State upgrade their educational, social service recreation and/or volunteer programs through federal funding. Very strong educational technical assistance introduced effective ways of teaching learning handicapped youths in temporary holding situations. Nationally acknowledged standards were developed to improve conditions in these facilities and an aggressive and effective unit assesses and enforces compliance of them.

*Probation services* — Volunteers in probation in almost every county in the State, all of which are now county-financed. Innovative group mental health programs in Atlantic, Burlington, Cape May, Somerset, Ocean and Cumberland Counties now provide individualized assistance to probationers and their families.

*Corrections* — Juvenile Separation Program described previously. Includes nine projects.

The programs and procedures described are the result of a compatible partnership between the State and the federal government. One of the outstanding examples of this partnership was the award to New Jersey in 1974 of a \$600,000 grant to help the State create county shelter programs for its status offenders. This was even prior to the implementation of the Juvenile Justice and Delinquency Prevention Act which mandated non-secure facilities for the status offender.

We cannot stress more how devastating the loss of specific funds for juvenile justice and delinquency prevention will be to this state. Children who disobey their parents and those who commit crimes have no constituency. And yet they become the failed adults of the future who are locked away and condemned, because nothing can be done and they are a danger to society. We all must assume responsibility at some point. If not now, when?

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY,  
Harrisburg, Pa., April 7, 1981.

Mr. JONATHAN LEVIN.

Legislative Aide, Office of Senator Arlen Specter,  
Russell Senate Office Building, Washington, D.C.

DEAR MR. LEVIN: Paul DeMuro of the National Council on Crime and Delinquency has brought to my attention that Bob Woodson testified at Senator Specter's hearings the other day that only small amounts of funding for juvenile justice efforts have gone to minority organizations or minority-run programs for youth. I know from personal experience that that is just not the case in either New York State or the Commonwealth.

In order to support my belief, I asked PCCD staff to review the grants made to Philadelphia organizations alone from 1974 to 1981 and to record information on those they are confident were minority run and served a primarily minority service population. These awards would include both Juvenile Justice and Delinquency Prevention Act funds and Crime Control Act funds required to go the juvenile justice programs as a condition of participation in the JJDP program. Naturally, there is no category for programs run by minorities for minorities, however, staff are confident that all of the cited applications qualify and that there are probably others which are just not being recalled at this time or which we aren't sure if the management is indeed composed of minority citizens.

In all, it is fair to say that since 1974 at least 16 awards amounting to over \$2 million have gone from the state-administered block grant program to Philadelphia minority-run, private agencies for minority service programs. In addition, several hundred thousand dollars more in direct federal discretionary awards have been made to these same agencies in Philadelphia by the Office of Juvenile Justice and Delinquency Prevention.

At our most recent Commission meeting, which was held on February 3, 1981, two such awards were made. One award in the amount of \$232,213 was made to the

House of Umoja for a residential program for adjudicated delinquents. Another award of \$425,000 was made to the Opportunities Industrialization Center, Inc. for a community-based training and rehabilitation program for court referred youths.

For your information, I am enclosing a list of the 16 awards, along with summaries of the two February awards referenced above. Similar information could be put together for Pittsburgh, Erie and elsewhere if that would be helpful to you.

Congratulations on the hearings which I'm told by Paul and others went very well.

Sincerely,

GEORGE F. GRODE, *Executive Director.*

Enclosures.

Recipient agency	Short title of project	Federal funds
Safe Streets, Inc.	Youth in Conflict	\$391,940
Our Neighbor's Civic Association	Youth Directions Project	342,090
Alice Rouse Donaldson	Alternative Education for Disruptive Students	18,109
Harrowgate Boxing Club	Harrowgate Boxing Club (J.D. Prevention)	4,135
Anti-Poverty Action Committee	Youth Auto Repair Training	140,708
North-Central Youth Academy	Youth Academy Program (J.D. Prevention)	192,355
Tioga Community Youth Council	Tioga Specialized Learning Center	200,643
Centro Loyola Youth Clubs	Centro Youth Club	40,320
Urban League	Juvenile Justice and Education Project	27,281
Prints in Progress	Inner City Youth Project	23,472
Haven House	Pre-Adjudicated Youth Services	192,047
Philadelphia Committee for Services to Youth	Network Intake and Resource Center	165,002
Scottie's Auto Training Center	Youth Auto Training Project	137,980
North Philadelphia Mothers Concerned	North Philadelphia Mother Concerned (J.D. Prevention)	22,500
Opportunities Industrialization Center	Philadelphia Project New Phase	425,000
House of Umoja	Delinquent Youth Residential Group Home	232,213
Total		2,173,296

#### PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY - EXPANDED PROJECT SUMMARY AND ANALYSIS

Meeting Date: February 3, 1981

Subgrant No. DS-79-E-07-1912.

Applicant: House of Umoja.

County: Philadelphia.

Date Received: December 15, 1980.

Project Title: Delinquent Youth Residential Group Home.

Project cost:

	Amount
Federal	\$232,213
Match	25,801
Total	258,014

Year of funding: First.

Duration of project: 2 months beginning February 1, 1981.

#### BACKGROUND

In October of 1979, Ms Donna Jeffers, Deputy Secretary, Office of Children, Youth and Families, Department of Public Welfare, approached the Executive Director, Mr George Grode, with a question. "If in an attempt to partially counter mounting pressure to build one or more new facilities similar to Camp Hill, and to better meet Pennsylvania's need for secure placement beds, the Department of Public Welfare revised its then existing position not to license private providers to care for serious juvenile offenders in secure placement, would PCCD be in a position to support the start-up costs for such programs?"

After considerable discussions with staff and review by staff, it was agreed that Ms. Jeffers' proposed project was a desirable and needed alternative and should be supported by staff. Part E Category E 7 funds were available in the amount of approximately \$500,000.

In May, the above proposal was presented to the Juvenile Advisory Committee for consideration. Following extensive discussions at both the May and June meetings, the Advisory Committee authorized staff to publish a Request for Applications in the Pennsylvania Bulletin. The notice was published and several meetings held with prospective applicants over a period of several months. This application represents one of two applications finally received by PCCD in response to the published notice.

#### PROBLEM STATEMENT

The number of beds available to the juvenile courts of the Commonwealth to which serious juvenile offenders can be committed for secure care and treatment, is generally considered to be inadequate. In addition to needing more beds, there exists a conviction by most people working with juveniles that expanding large existing institutions is not desirable, that these programs operated by the state are among the most expensive in the Commonwealth and, the existing programs are not optimally effective in the treatment of this population.

#### OBJECTIVES OF THE SUBGRANT APPLICATION

To provide secure care and treatment for 8 serious juvenile offenders in a small non institutional setting in lieu of commitment to a state operated secure facility.

To provide such care in a manner that precludes a danger to the community.

To provide counseling, education and skill development that will result in clients having a sense of self worth and socially acceptable values.

#### PROPOSED PROJECT ACTIVITIES

The project will accept direct court commitment of delinquents adjudicated for murder, manslaughter, aggravated assault, robbery, burglary, etc. and who meet the criteria for secure care established by the Committee of 15. Because of the potential threat to the community and the newness of the approach, the project will not accept commitments if the case involves a charge of rape, the client is psychotic, suicidal, seriously drug dependent or in need of prescribed medication requiring supervision if such medication has the potential for abuse.

Additionally, the project will provide educational opportunity and career counseling in house by staff and through arrangement with the Philadelphia Educational system. Group counseling, individual counseling and the development of a sense of responsibility are built into a program beginning at 6.00 a.m. each week day and continuing through the evening hours. While the program concept is so new, it precludes making an accurate prediction regarding length of stay. It is anticipated that most clients can be recommended for supervised release within 9-12 months in the program. Upon release, clients will be placed under the usual Philadelphia Juvenile Probation Aftercare Service.

Upon determination by the staff that the individual is adequately adjusted, release will be recommended to the court. Staff in conjunction with court officials will prepare an aftercare plan for each client and the assigned counselor will continue as a contact point for support services from the House of Umoja for a reasonable period of time.

#### PRIOR ACCOMPLISHMENTS

The House of Umoja is an inter-City Corp. that developed as the result of one families concern over the Philadelphia "gang wars" of the late 1960s and 1970s. The family created the corporate organization of the House of Umoja, received financial support from a variety of services and undertook and operated successfully a number of worthwhile youth programs. At this point, the House of Umoja is actively involved in creating "Boys Town of Philadelphia" which will be housed in the renovated properties which Umoja now owns.

For the past 12 years the House of Umoja has operated group homes for delinquent and dependent teenagers. In these programs, the agency has provided service to five hundred youth.

During its years of operation, the House of Umoja has received and administered grants from Federal, state and local governments and from private foundations. At the present time the House of Umoja is under contract to provide group home services to the City, is the recipient of a grant from a private foundation to provide match for this project and an Economic Development Corp. Grant for \$400,000 to rehabilitate properties owned by Umoja a portion of which will ultimately be used for the project.

*Budget highlights*

Total current budget by source:		Amount
Federal.....		\$298,696
State Buy-In.....		
Applicant's Match.....		33,188
Total.....		331,884
Total budget by category:		
Personnel.....		\$238,162
Benefits.....		33,706
Equipment.....		19,382
Other.....		40,634
Total.....		331,884
Current request		

APPLICANT'S COMMITMENT FOR THE EVENTUAL FULL ASSUMPTION OF THE COST AND OPERATION OF THE PROJECT

Applicant is still working with the City of Philadelphia and Courts to develop agreement for payment of per diem at a cost below that presently paid by the City for such youth at the Youth Development Center, Cornwells Heights.

## STAFF ANALYSIS

The project concept is sufficiently innovative and seems to contain elements necessary to have a reasonable hope of success. While the applicant is not necessarily the most sophisticated administrative agency, the staff and program philosophy are sufficiently tolerant of the behavior of this client population so the project would seem to have the potential of a good success rate. While considerable program and budget changes have been negotiated with the House of Umoja and the Department of Public Welfare, those changes have not all been documented at the time of this writing. The complete documentation of these changes will have to be a condition of the grant if approved.

## RECOMMENDATIONS

Executive Staff recommends approval conditioned upon:

1. Submission of an acceptable revised budget.
2. Applicant must supply documentation of additional program detail requested by staff and Department of Public Welfare. (Including referral procedures)
3. Evidence of a satisfactory agreement with the City of Philadelphia and Juvenile Court that the Juvenile Court judges will use the program and that the project can reasonably expect per diem payments for continuation of the project

The Juvenile Advisory Committee recommends approval and concurs with Executive Staff recommended conditions.

## PCCD DECISION

Approved subject to the above Executive Staff Recommendations

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY - EXPANDED PROJECT  
SUMMARY AND ANALYSIS

Meeting date: February 3, 1981

Applicant: Opportunities Industrialization Center, Inc.

County: Philadelphia

Date received: November 7, 1980.

Project title: Philadelphia Project New Pride

Project cost:

Federal:	Amount
(JJDP funds, no match required)	\$223,179
(Part E funds. 10 percent match required)	201,321
Match.....	22,426

Total..... 447,426

Year of funding: First.

Duration of project 12 months beginning February 2, 1981



## BACKGROUND INFORMATION

The Denver (Colorado) New Pride project was implemented in 1973 as a non-residential community based treatment program for adjudicated youth with a history of serious offenses. The program model incorporates a wide range of treatment services which provide personal, social, educational, employment, and other supportive services as determined by individual client needs. Since its inception, Project New Pride has demonstrated success in keeping serious offenders in the community, reducing recidivism rates, improving academic ability, employing youth and reducing incarceration.

Based on the success of the Denver model, in July of 1979, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), announced a discretionary grant program entitled "Replication of Project New Pride". In response to this announcement, the Opportunities Industrialization Center of Philadelphia submitted an application and placed as a finalist, however, due to limited funding availability, the Opportunities Industrialization Center (OIC) was not one of the ten applicants selected for funding.

During the past summer, Commission staff became aware of the following circumstances which provided an opportunity for Pennsylvania to implement a New Pride Project through its own resources:

1 The Pennsylvania Commission on Crime and Delinquency (PCCD) received a letter from Mr. Ira Schwartz, Administrator, OJJDP, indicating that alternative funding consideration should be given to OIC.

2 There was the possibility of recouping approximately \$220,000 of reverted fiscal year 1976 and fiscal year 1977 funds from OJJDP for the New Pride initiative. (This possibility has materialized after extensive efforts by PCCD staff.)

3 The existence of OIC's Federal Discretionary application which demonstrated sound program development and the continued interest of the agency in implementing a New Pride project.

4 The obvious need for programs to serve serious offenders in Philadelphia.

5 The availability of current PCCD funds to supplement the financing of the project.

Subsequently, meetings were held with representatives of OIC and the City of Philadelphia. A plan amendment extension request was submitted to Washington and approved, and OIC was invited to submit a grant application to implement the New Pride project.

During the past few months, Commission staff has been working with OIC to make necessary modifications/adjustments to the Federal grant for conformity with PCCD application requirements resulting in the submission of a formal application on November 7, 1980.

## PROBLEM STATEMENT

In Philadelphia, juveniles represent a substantial number of persons arrested for major crimes (38.7 percent). Specifically, juveniles represented 8.5 percent of the Homicide Arrests (26), 17.8 percent of the Rape Arrests (123), 42 percent of the Robbery Arrests (1,650), 18.5 percent of the aggravated Assault Arrests (651), 48.5 percent of the Burglary Arrests (2,736), 42.9 percent of the Larceny Arrests (3,798), and 32.2 percent of the Auto Theft Arrests (615).

Currently treatment options available for youth adjudicated delinquent for repeat offenses/serious crimes are very limited. The Juvenile Court usually has the choice of committing the youth to a residential facility or returning him/her home on probation. While the target area for this project (Upper and Lower North Philadelphia and South Philadelphia) offers a number of community programs, the services are often sporadic and fragmented. At present there is no agency in either North or South Philadelphia that offers the comprehensive scope of services, nor the true alternative treatment plan as projected for Project New Pride.

## OBJECTIVES OF THE SUBGRANT APPLICATION

The primary objective of this program will be to Reduce the Number of Rearrests and Institutional Commitments for participating youth by 40 percent. This objective will be accomplished by: 1) increasing academic performance, 2) increasing employment opportunities, 3) Improving social functioning for the youth served, and 4) Providing intensive supervision and counseling services.

**APPLICABLE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY PROGRAM  
OBJECTIVE**

The objectives of this application are consistent with PCCD Program No. 7 which gives priority to programs establishing community based services for adjudicated delinquent youth.

**PROPOSED PROJECT ACTIVITIES**

The O.I.C. New Pride philosophy emphasizes a commitment to the total individual. This "holistic" approach necessitates the establishment of a wide range of activities including the following: Intake and orientation, diagnostic testing, assessment for educational, social-emotional, physical, cognitive, and language functioning, operation of alternative school, GED Preparation, remedial education for return to school, special education for youth with learning disabilities, cultural, physical and health education, job preparation and placement, intensive client supervision, volunteer support; and follow-up.

**PRIOR ACCOMPLISHMENTS**

The Opportunities Industrialization Center, Inc. of Philadelphia is a private non-profit organization established 14 years ago as a service agency for minority and disadvantaged residents of the city. Since that time this agency has operated numerous educational and employment programs for youth and adult clients. Currently, O.I.C. operates 4 youth service programs including, group homes, community advocacy for youth, youth employment, and career preparation. The O.I.C. of Philadelphia has not previously received PCCD funding but has extensive experience in the administration of local, state and federal funds.

*Budget highlights—Current request Feb. 2, 1981 to Feb. 1, 1982.*

Budget by source:	Amount
Federal.....	\$425,000
Applicant's Match .....	22,426
<b>Total .....</b>	<b>447,426</b>
<b>Budget by category:</b>	
Personnel.....	254,388
Benefits.....	56,485
Travel.....	7,116
Equipment .....	21,826
Supplies .....	22,921
Consultants .....	25,132
Construction .....	2,968
Other .....	7,950
<b>Total .....</b>	<b>447,426</b>

<sup>1</sup> Current request

**APPLICANT'S COMMITMENT FOR THE EVENTUAL FULL ASSUMPTION OF THE COST AND  
OPERATION OF THE PROJECT**

At present, the City of Philadelphia, Office of Employment and Training appears to be the most viable funding source for future operations. The serious offender is a priority population with O.E.T. In addition, the applicant has been investigating funding possibilities with the Philadelphia Board of Education and the Department of Public Welfare for program components not supported by O.E.T. Other potential funding source include Department of Labor, Department of Education and the National Institute of Mental Health.

The application currently under consideration represents the culmination of many months of discussions, planning sessions and negotiations between numerous criminal justice and non-criminal justice related entities within the City of Philadelphia.

Through the extraordinary efforts of the Opportunities Industrialization Center the cooperation and assistance of key agencies involved in the youth service delivery system has been incorporated as an integral part of the proposed project.

A primary source of encouragement in assessing the ability to continue the project has been the support and assistance of the City of Philadelphia, Criminal Justice Coordinating Office and the Youth Services Coordinating Office in imple-

menting this project. Although currently no formal contracts-agreements are in place to insure this project's continuation, the broad-based support evident thus far indicates the City of Philadelphia has already made a substantial investment and will be committed to protecting its interest in this project.

#### STAFF ANALYSIS

The document submitted consists of over 300 pages of fiscal and programmatic information and supporting documentation. Programmatically, the application represents close adherence to the Denver New Pride Model as described in the Federal announcement of July, 1979. OIC has incorporated some minor modifications to expand the program design to better address locally defined needs. The application to be considered at the January 21, 1981 Advisory Committee meeting is accompanied by endorsements from the City of Philadelphia Office of Employment and Training, School District of Philadelphia, Juvenile Court, Defender Association of Philadelphia and the District Attorney's Office.

#### RECOMMENDATIONS

Executive Staff recommends approval of this initial application for Philadelphia's Project New Pride.

The Juvenile Advisory Committee recommends approval with the following conditions:

1 Prior to the first draw of funds the applicant must submit a written commitment to assure project staff is available during non-traditional hours as determined by clients needs.

2 Prior to the second draw of funds the applicant must provide the following: (a) A plan of implementation for the commitment made in condition No. 1 which includes OIC staff, probation office, volunteer support, and other local organizations; (b) A description of the role and involvement of juvenile court probation officers after a youth has been accepted to the New Pride program, and (c) Evidence that the City of Philadelphia, Department of Public Welfare has been informed of the projects per diem cost when PCCD funds have ceased and their willingness to adjust the current maximum \$7.00 per diem rate for service to youth residing in their own home.

#### PCCD DECISION

Approved subject to the above Juvenile Advisory Committee recommendation. Also, subgrantee must submit justification for negative figure on non-supplantation certificate.

COURT OF COMMON PLEAS,  
Pittsburgh, Pa., April 7, 1981.

Hon. ARLEN SPECTER,  
U.S. Senator,  
Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: I am writing in support of the effort by the National Council of Juvenile and Family Court Judges to retain funding of the Juvenile Justice and Delinquency Prevention Act, which was reauthorized in November, 1980, in the Office of JJ DP rather than transferring it to the Department of Health, Education and Welfare, and to keep funding from being absorbed into the block grant proposals.

I believe to make these changes would be a devastating blow to the National Juvenile System and undermine progress laboriously made in the past ten to fifteen years.

Two major reasons exist for my opposition to the administration's proposals: 1 To eliminate the Office of Juvenile Justice and Delinquency Prevention and to absorb the administration of the law into the vast network of Welfare will destroy any effectiveness it has.

2 To provide that funding is to be included in block grants to State and Local government mean juvenile justice programs must compete with every other kind of social programs and there is little question that juvenile justice will lose.

As a Juvenile Court Judge for 11½ years and one who has labored in the system for 29 years, I have seen many attacks on the system, and bear many bruises from fighting fads and demagogues, such as the closing of Camp Hill to juveniles, and deinstitutionalization ala Jeome Miller. I believe what the Administration proposes may produce an equally serious effect.

I have no quarrel with a cutback in funding in proportion to what other services receive, but I understand that the JJDP Act funding will be reduced by almost 100%.

I do not oppose reduction on programming as I have seen outrageous waste—and complained about it—when Jerome Miller and the Shapp administration attempted to foist ludicrous programs on us, which I refused to use. The same might be said about much of the nonsense proposed for treating status offenders, incorrigible and runaways. However, programs which assist us in dealing with violent offenders, drug and alcohol abuses, in training judges and probation officers, and basic research into the effectiveness of programs, are vital for our survival.

Children are salvageable to a greater degree than adults involved in criminal activity. We must have continuous federal support for basic programming as more than ever, the product of our failure will cause a greater burden to society and the adult Criminal Justice System.

Very truly yours,

PATRICK R. TAMILIA, Judge.

JUVENILE JUSTICE ADVISORY COUNCIL,  
Phoenix, Ariz., April 7, 1981.

HON. ARLENE SPECTER,  
U.S. Senate,

Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: On behalf of the Arizona Juvenile Justice Advisory Council, which is appointed by the Governor, I wish to inform you of the Council's support of an appropriation for FY82 for the Juvenile Justice and Delinquency Prevention Act. The Council understands that the Executive Administration is recommending that the JJDP Act be placed in the Health and Human Services block program, but that no specific appropriation for juvenile justice programs would be included in that block program. This block grant approach is opposed by the Council and a separate juvenile justice program within the Department of Justice should be retained.

Local Juvenile Justice programs at the state level would not be able to compete with other larger social service organizations in the event that the Juvenile Justice Act was merged in a Health and Humans Service block grant. The JJDP programs in Arizona have made great progress in the last four years in developing effective shelter care programs to reduce the unwarranted detention of status offenders. In addition, the Arizona Justice Planning Agency has worked closely with local law enforcement agencies to address rising youth violence and youth gangs.

The JJDP program in Arizona is a criminal justice program rather than a social service program. To mingle the program with other HHS services would dilute the program's impact on youth directly involved in the criminal justice system.

The Arizona Advisory Council encourages the continuation of a well rounded federal juvenile justice program that addresses both status offenders and violent offenders. Federal assistance has begun to have a positive impact on these targeted populations and progress should not be halted now.

Sincerely

(Mrs.) REGINE C. SCHROEDER,  
Chairman.

LOUISIANA COMMISSION ON LAW ENFORCEMENT AND  
ADMINISTRATION OF CRIMINAL JUSTICE,  
Baton Rouge, La., April 8, 1981

Hon. ARLEN SPECTER,

Chairman, Senate Judiciary Subcommittee on Juvenile Justice,  
Russell Senate Office Building, Washington, D.C.

DEAR MR SPECTER: At the March 25, 1981 meeting of the Louisiana commission on Law Enforcement and Administration of Criminal Justice, we were given a status report on the Juvenile Justice and Delinquency Prevention Act from staff who had recently returned from meetings in Washington.

Upon hearing that the appropriation for the Office of Juvenile Justice and Delinquency Prevention currently stands at zero and that the possibility exists for the JJDP Program to become part of a block grant consolidating some forty or more social programs to be administered by the Department of Health and Human Resources, the Louisiana Commission on Law Enforcement passed the following resolution.

Whereas, juveniles account for almost half the arrests for serious crimes in the United States today; and

Whereas, the high incidence of delinquency in the United States results in enormous annual cost and immeasurable loss of human life, personal security, and wasted natural resources and that juvenile delinquency and violent juvenile crimes constitutes a growing threat to the national welfare requiring immediate and comprehensive action; and

Whereas, many innovative programs at the state, local, and private level which have impacted family life, provided meaningful rehabilitation and effected crime by the violent juvenile offender have received their start with JJDP funds; and

Whereas, other federal programs are being reduced but not eliminated, JJDP funds must be appropriated to allow judges, district attorneys, law enforcement and the private sector to initiate and continue programs for the prevention and rehabilitation of juvenile offenders; and

Whereas, juvenile justice professionals, through hard fought experience, realize that if JJDP funds are thrust into a "social service block," the state bureaucracy will not provide any money to support the juvenile and criminal justice system;

Be it hereby resolved, That the Louisiana Commission on Law Enforcement and Administration of Criminal Justice urges each of the members of Congress to support an equitable appropriation for the JJDP Act while keeping its administration in the Department of Justice.

We urge your every consideration and support.

Sincerely,

ELMER B. LITCHFIELD,  
Executive Director.

PROBATION DEPARTMENT,  
San Bernardino, April 8, 1981.

Hon. ARLEN SPECTER,

Chairman, Senate Subcommittee on Juvenile Justice.

Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: We urge you to restore funds to the Office of Juvenile Justice and Delinquency Prevention, eliminated from the President's proposed budget.

The JJDP Act was reauthorized just last year, after the November election. It was carefully reviewed by Congress, amended, and sent to the President with bipartisan support.

At \$100 million fiscal year 1981 funding level, the JJDP act is a modest investment in the prevention and control of juvenile crime and delinquency in this country. The Act currently funds programs that address serious juvenile crime problems like urban gangs and increases in violent offenses. Scuttling these programs, by withdrawal of federal funds, will exacerbate crime problems now being successfully minimized.

The mandates of the JJDP have led to substantial improvements in state juvenile justice systems. Here in California, for example, the JJDP Act has guided us to significant changes in the way that we process status offenders—runaways and other non-criminal minors. In 1974, before the Act went into effect, we arrested more than 100,000 young people for status offenses, and locked up more than 50,000 of them. Since the implementation of the Act in California, we arrest and detain only a fraction of these status offenders, and are able to focus our scarce justice system resources on more serious juvenile crime problems.

We strongly urge you to assign a high priority to this national problem, and restore funding at last year's \$100 million level to the Office of Juvenile Justice and Delinquency Prevention.

Very truly yours,

CLAUDE M. POTTS,  
Delinquency Prevention Coordinator.

GOVERNOR'S ADVISORY COUNCIL ON JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION,  
Atlanta, Ga., April 8, 1981.

Hon. ARLEN SPECTER,  
*Chairman, Subcommittee on Juvenile Justice, Committee on the Judiciary,  
Russell Office Building, Washington, D.C.*

DEAR SENATOR SPECTER: The Governor's Advisory Council on Juvenile Justice for the State of Georgia recognizes and appreciates the need for a streamlined budget. However, we do not feel that the elimination of an Office of Juvenile Justice and Delinquency Prevention within the Department of Justice is, in the long run, and appropriate way to streamline the budget. Over the past five years, the direction, seed money, and technical assistance provided through the administration of the JJDP Act have enabled the State of Georgia to make major reforms in its juvenile justice system. Additionally, we have been able to implement and institutionalize many innovative approaches to dealing with the multitude of problems that troubled youth bring to the system and society. Without the direction and technical assistance that resulted from maintaining a specialized Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, it is doubtful if the seed money provided would have fostered the same positive changes and accomplishments.

Given the major accomplishments of the past, the State of Georgia is beginning to focus its resources and federal funds on providing more appropriate services to its serious and chronic juvenile offenders. We are convinced that by making the necessary investments in this group of children now, we will be able to significantly reduce the future costs of maintaining them as adults in our mental health and correctional institutions. However, if the Office of Juvenile Justice and Delinquency Prevention is eliminated and the funds funneled into a larger block grant for children within the Department of Human Services, it is doubtful that much, if any emphasis will be put on providing services for the juvenile offender.

Therefore, the Governor's Advisory Council for the State of Georgia would like to go on record in support of maintaining an Office of Juvenile Justice and Delinquency Prevention within the Department of Justice which will continue to provide direction, seed money, and technical assistance to the states.

Your careful consideration of this situation will be greatly appreciated. If you have questions or if I can provide you with any further information, please do not hesitate to contact me.

Sincerely,

DONALD D. BREWER, *Chairman.*

PART 2 - ADDITIONAL STATEMENTS SUBMITTED TO THE  
SUBCOMMITTEE

PREPARED STATEMENT OF ALICE SUGIN, CHAIRMAN, ACLD GOVERNMENTAL  
AFFAIRS COMMITTEE AND DOROTHY CRAWFORD, JUVENILE JUSTICE DIVISION

This testimony is written on behalf of ACLD and those it serves—individuals with Learning Disabilities. ACLD is a non profit volunteer organization with a membership of 60,000 and state affiliates in all 50 states. This statement is made in support of maintaining and funding the Office of Juvenile Justice and Delinquency Prevention (OJJDP), with a recommended budget of \$106,000,000.00 for the fiscal year of 1982.

The OJJDP has just reached a point where effectiveness of funded treatment programs can be measured. Also, present demands by the private sector indicate that a top priority must be effective programs for crime control—where better to start than at a level to ensure prevention rather than on going remedial action.

A recent 1 1/2 year study investigating the link between learning disabilities and juvenile delinquency has just been completed. The data validate in a conclusive manner that youth with learning disabilities are extremely vulnerable to penetrating the juvenile justice system. However, through the study's remediation program, it was established that academic intervention causes a dramatic reduction in delinquent behavior and activities (see attached information). This study is now complete and results are ready to be disseminated. How tragic if information from this project and others like it will only collect dust on a shelf while the vulnerable youth's future for productive adulthood is curtailed.

Commonsense tells all of us that funds are limited, that programs must be slashed. But, please guarantee our future by judicious budget allocations - for, after all, our youth are our future.



# ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES—RESEARCH AND DEVELOPMENT PROJECT

The following data highlights some of the results from the ACLD-R&D Project. A Study Investigating the Link Between Learning Disabilities and Juvenile Delinquency:

## I. THE INCIDENCE STUDY

We examined the prevalence of learning disabilities in two populations. The officially non-delinquent and the other an adjudicated delinquent group. The definition of learning disabilities was based on the discrepancy hypothesis (similar to the federal definition). The definition of juvenile delinquent was based on if the juvenile had been formally adjudicated delinquent in his jurisdiction. Initially, there were 2200 12-15 year old males referred to us, but for various reasons (such as requirement to obtain informed consent from parents prior to reviewing records) we were able to classify 1600 LD or not LD. 968 were officially non-delinquent of which 183 were identified as LD reflecting an incidence of LD at 18.9 percent. In the adjudicated delinquent group, there were 628 juveniles of which 229 were identified as LD reflecting an incidence of LD at 36.5 percent. The incidence of LD was almost twice as great in the delinquent population compared to the officially non-delinquent. Yet, the self-reported delinquency questionnaire administered and later validated indicated that all the non-delinquent adolescents reported about the same amount and kinds of delinquent acts—in fact, the non-LD adolescents reported more delinquent acts than the LD adolescents. On this part, one of our questions was answered loud and clear—that is, yes, LD juveniles are at a far greater risk to become delinquent than those without LD.

## II. ON THE REMEDIATION PROGRAM FOR THOSE LD DELINQUENTS ASSIGNED TO REMEDIATION THERE WERE SOME VERY INTERESTING RESULTS. HERE ARE A FEW

1 Those juveniles receiving 100 hours or more of remediation in a one school year time period—on pretesting they reported on the average they had engaged in 194 delinquent acts the prior year. On posttesting two years later the average number of delinquent acts reported for a one year period had declined by 126 (that is an average of 68 delinquent acts committed compared to 194).

2 For those receiving 50 hours or less of remediation there was an average of 63 less delinquent acts (a reduction from 194 to 131).

3 For those receiving 0 hours of remediation there was no decline—this was the control group.

4 For every point of change in attitudinal behavior there was a decline of 74 delinquent acts.

5 The one to one relationship (LD Specialist—pupil) is very important to create reduction in delinquency.

6 40 hours or more of remediation in a 6.5 month period produces a significant reduction in recidivism.

7 Remediation program planners should consider all the above 1-6 factors in designing effective programs for this vulnerable group.

8 The remediation program provided significant intellectual growth in Reading Skills areas of word attack and word comprehension, in Key Math overall, and in Expressive Language skill areas of sentence length and syntax quotient (dramatic improvement in syntax quotient).

Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

## PREPARED STATEMENT OF THE ASSOCIATION OF JUNIOR LEAGUES, INC.

The Association of Junior Leagues is submitting this written testimony to reaffirm its support for the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. The Association worked actively for the reauthorization of the JJDP Act in the last session of Congress because the legislation's goals coincide with the goals of the Association's Child Advocacy program and with the Association's purpose of developing effective citizen participation in the community.

The Association of Junior Leagues is an international women's volunteer organization with 235 member Junior Leagues in the United States, representing approximately 132,000 individual members. The Junior Leagues promote the solution of community problems through voluntary citizen involvement, and train their members to be effective voluntary participants in their communities.

Our commitment to effective training programs is reflected by the requirement that every Junior League member participate in a training program before she begins work in her community. The majority of Junior League members continue to take training courses throughout their years of Junior League membership. In addition, every Junior League member must make a commitment to a volunteer position. A substantial number of Junior League members today sit on the Boards of other voluntary organizations throughout the United States because of the leadership training with which their volunteer experience has provided them.

#### ASSOCIATION PROGRAMS IN CRIMINAL JUSTICE

Criminal justice was specifically designated as one of the Association's program areas in 1973 when the Association, with the assistance of the National Council on Crime and Delinquency and funding from the Law Enforcement Assistance Administration (LEAA), developed a project known as IMPACT. This four-year program was designed to enable Junior Leagues in the United States and Canada to effect positive changes in the criminal justice system and, ultimately, to reduce crime and delinquency.

As part of IMPACT, Junior League members in 185 cities gathered data on the criminal justice system in their own communities. Delegates from all Junior Leagues in the United States and Canada attended a four-day training institute in Houston to help them develop plans for mobilizing their communities for action in the area of criminal justice. The 150 projects generated as a result of IMPACT utilized more than 3,000 volunteers and drew upon more than \$1.5 million in Junior League funds. It is estimated that another \$7.5 million in outside funding was generated by the expenditure of the Junior League funds. Projects initiated under the IMPACT program included group homes, rape treatment centers, public education campaigns, jail counseling projects and volunteer recruitment.

#### ASSOCIATION SUPPORT FOR JUVENILE JUSTICE PROGRAMS

Concern with young people involved in the juvenile justice system continues to be an Association priority. Juvenile justice is one of the five focus areas of the Association's five year Child Advocacy Program. The child advocacy mission statement adopted by the Association includes a pledge to work toward the time when:

Each child will be removed from his or her natural home only when necessary and any child that is removed will be returned to his natural home or, when necessary, to another permanent home without unnecessary delay,

Each child who has committed a status offense will receive truly rehabilitative care and supervision;

Each child accused of committing an adult crime will receive a fair trial with the full rights and safeguards that an adult would receive; and

Each child, if incarcerated, will not be placed in humiliating, mentally or physically debilitating or harmful facilities, and no child will be placed in adult jails.

#### JUNIOR LEAGUE SUPPORT FOR JUVENILE JUSTICE

Junior Leagues in all parts of the country continue to support group homes, shelters for runaway youths, counseling services and advocacy councils.

Many Junior Leagues, for instance, have joined in the development of shelter and group homes for juveniles. Among those Junior Leagues which have helped establish 24-hour shelters for runaway youth or other youth in crisis are: two Ohio Junior Leagues—Akron and Youngstown, three Connecticut Junior Leagues—Greater Bridgeport, Greenwich, and Hartford, the Junior League of Odessa, Texas, and the Junior League of DeKalb, Georgia. Those Junior Leagues which initiated the development of group homes for adolescents or which provide services at group homes include the Junior Leagues of Dayton, Ohio, Asheville, North Carolina, Knoxville, Tennessee, Charleston, West Virginia, Lafayette, Louisiana, Richmond, Virginia, Albany, Georgia, three New Jersey Junior Leagues—Bergen County, the Oranges and Short Hills, and Elizabeth Plainfield, and two Pennsylvania Junior Leagues—Harrisburg and Lehigh Valley. Many of these shelters and group homes receive or have received funding from LEAA/OJJDP.

In Texas, the Junior League of Dallas worked closely with the Dallas Independent School District and Dallas County Juvenile Department to develop Letot Academy, an alternative program to prevent the institutionalization of status offenders. The program provides three programs under one roof: an alternative school, individualized family crisis counseling, and a 24 bed emergency shelter. Junior League volunteers took a lead role in helping to develop the program and obtaining the federal funds necessary to establish the academy. Volunteers have served at the academy since the academy began operating in January 1979. The Junior League of Dallas

provided \$100,000 to develop the emergency shelter and \$45,000 to pay the salary of a director of volunteers for three years. The project, which has a total budget of \$5.5 million, including funding from LEAA, has drawn volunteers from throughout the community, many of them retired older persons who receive training from the Junior League.

Many Junior Leagues collaborate with other organizations to improve services to children in the juvenile justice system. In North Carolina, for instance, the Junior Leagues of Raleigh, Greensboro and Winston-Salem have provided funds and volunteers to develop advocacy groups for children. Both the Greensboro Advocates for Children and Youth and Winston-Salem Juvenile Justice Council have been involved with juvenile justice programs. The Wake County Child Advocacy Council, initiated by the Junior League of Raleigh, supported the Governor's Advocacy Council for Children and Youth's successful efforts to obtain a youth advocacy initiative grant of \$750,000. The grant will be used to strengthen and expand the efforts of advocacy groups throughout the state to improve the juvenile justice system in North Carolina.

In Florida, the Junior Leagues have been active in the development of the Florida Center for Children and Youth. The Junior Leagues have contributed both money and volunteer support to the state-wide organization since it was founded in 1976. The Florida Center, which also received funds from LEAA, published *Juvenile Injustice: The Jailing of Children in Florida*, a report that documents the plight of children caught in the juvenile justice system in Florida.

#### CONTINUED NEED FOR JJDP ACT

The involvement of Junior Leagues throughout the United States in these juvenile justice programs has made the Association deeply aware of the need for the continuation of the JJDP Act. The stimulus of federal funds and leadership at the federal level is needed to provide communities with an opportunity to improve their juvenile justice system by developing alternatives to institutionalization and implementing delinquency prevention programs.

The provisions of the JJDP Act have triggered a reform of juvenile laws and the creation of many innovative types of programs that have avoided the institutionalization of thousands of young persons. The law has made possible the development of community-based programming and heightened awareness of the need to develop services that will help juveniles to remain outside the criminal justice system. The provision in the reauthorization of 1980 which prohibits the placing of juveniles in adult jails and lockups promises to end a practice which many leading authorities, including the former United States Attorney General Griffin Bell, consider an injustice as well as a danger to children's lives. Statistics show that, in 1978, the suicide rate of juveniles placed in adult jails was approximately seven times higher than that of juveniles held in juvenile detention facilities.

The reforms mandated by the JJDP Act are conditioned on states receiving the funds appropriated by Congress. States which do not accept JJDP funds are under an obligation to institute the reforms established by the legislation. Therefore, to deny funding for the JJDP Act is to effectively end this reform legislation which was reauthorized with strong bi-partisan support just a few months ago. We urge this subcommittee to take the leadership in the efforts to preserve the juvenile justice reforms made possible by the JJDP Act.

Thank you for this opportunity to submit our views.

#### PREPARED STATEMENT BY ROBERT BROWN, CENTER FOR COMMUNITY CHANGE

Mr. Chairman and members of the Committee, I appreciate this opportunity to submit written testimony on behalf of the Office of Juvenile Justice and Delinquency Prevention.

Since 1974 the Office of Juvenile Justice and Delinquency Prevention (OJJDP), through the provision of financial and technical assistance, has enabled states, participating in Juvenile Justice and Delinquency Act (JJDP), to undertake a number of programs and initiatives to improve the quality of their juvenile justice systems so that they could better protect the interests of their communities against juvenile crime, meeting the developmental needs of youthful offenders so that they could avoid future misconduct.

Although in recent years OJJDP's program and funding strategy has come under some criticism, the successes of the Office far outweigh the criticism that has been raised. Some of those successes are:

Between 1975 and 1977, the number of cases processed by juvenile courts decreased by almost 4 percent, from 1,406,000 cases to 1,355,500.

During the same period, the number of status offenders detained decreased from 116,000 to 59,000, a reduction of approximately 50 percent.

Forty (40) of the JJDP participating States have achieved substantial 75 percent compliance with the statutory mandate to deinstitutionalize status offenders and non-offenders, in practical terms, this means that nearly 200,000 non-criminal juveniles have been removed from inappropriate institutional confinement.

This reduction in the "overloading" of juvenile justice systems with non-criminal offenders will greatly enable them to focus more of their resources more effectively toward developing strategies to prevent and reduce serious and violent juvenile crime. In addition, the Office has had significant success in encouraging states to undertake juvenile code revisions aimed at strengthening the effectiveness of their juvenile justice systems in dealing with youth crime and the treatment of youthful criminals.

Given the successful record of progress that OJJDP has achieved in its short lifetime, and the ever growing problem of juvenile crime, I and my colleagues are filled with alarm and grave concern that budget recommendations of the Administration to merge OJJDP program funds with other social and health services funding into a block grant to be administered by the Department of Health and Human Services will greatly undermine the achievements of states and localities in improving their juvenile justice systems. Such a merger suggests that juvenile justice and delinquency prevention are merely social service issues. This perception is erroneous. Issues of serious and violent juvenile crime are criminal justice issues that should be primarily addressed by an agency of the U.S. Justice Department. It should be noted that only because of the efforts of OJJDP that noncriminal issues - those of status offenders, runaways, neglected youth, etc. - are slowly being removed from the criminal justice system so that that system can better target its dwindling resources to impact juvenile crime resulting in injury to or loss of life and/or property. We are strongly opposed to that recommendation and strongly urge the members of this Committee to consider the following alternatives:

1. Maintain as high a level of funding as possible within the revised fiscal year 1982 Budget, but certainly at least \$100 million to be administered by OJJDP.

2. Consider a slight reordering of program priorities, i.e. increased focus on the problem of the serious or violent juvenile offender, with a corresponding de-emphasis on programs designed around the less serious offenders.

3. Increase the involvement of indigenous neighborhood and other citizen groups in the planning, monitoring, and implementation of OJJDP program initiatives.

4. No amendments to the Juvenile Justice Act of 1980 should be recommended at this time.

5. OJJDP programs aimed at impacting serious and/or violent juvenile crime should remain under the purview of that Office.

We urge this committee to weigh carefully any decision to totally dismantle the Office of Juvenile Justice and Delinquency Prevention through the total transfer of its programs into a Department of Health and Human Services' block grant. We strongly feel that such a decision would have a debilitating impact upon local and state governments' capacities to prevent and reduce juvenile crime within their communities.

#### PREPARED STATEMENT SUBMITTED BY STEPHEN A. JANGER, PRESIDENT, CLOSE UP FOUNDATION

We are pleased to provide testimony to the Juvenile Justice Subcommittee regarding the proposed phase out of the Office of Juvenile Justice and Delinquency Prevention. In my role as President of the Close Up Foundation, I have had the opportunity to work closely in the area of citizenship education with school officials and educational systems throughout the country. In ten years of existence, CLOSE UP has brought over 50,000 secondary school students and teachers to Washington, DC for an intensive week long study of the Federal government.

The range of our student and teacher participation has extended from the alternative learning centers to the suburban system, from the inner city to rural America, from the special or handicapped school to the private and vocational school, a range that includes the broadest cross section of secondary age youth from throughout the country. In addition, CLOSE UP publishes academic curriculum materials for use in high school social studies courses and produces a series of television programs on government for C-SPAN (Cable-Satellite Public Affairs Network).

Since August of 1980, CLOSE UP has been working on the development of a program to be conducted in conjunction with OJJDP in a number of communities currently participating with CLOSE UP on a national and local or state program level. Since that time we have had the opportunity to learn more about the work of that agency, especially its efforts in the area of preventative educational programs often referred to as "law related education." This has brought us into close contact with the primary population group served by OJJDP. We have also had opportunities to work with a number of educational organizations and agencies whose efforts have been supported by their funds and programs.

Although I cannot speak for all of the major goals and programs of OJJDP, I do feel that the educational programs in law-related education sponsored by that agency at the national level fill an essential function. Many young people today regard the law as a restrictive and punitive aspect of society. It is very important for the development of positive social attitudes that young people learn that the law is also protective in nature and serves as the very foundation of a civilization. An understanding and appreciation of the rule of law is an essential component of citizenship in a free society. The federal government has a critical role to play in fostering this kind of understanding. The problems of crime and delinquency cannot be addressed globally. Youth as a population group have special problems and needs that require separate and individual attention.

The law-related educational movement, which is regarded by many as one of the most positive and promising areas of citizenship education in recent years, needs both federal support and, as importantly, leadership. Federal attention is required to ensure that this and similar preventative efforts are supported on a national as well as on a local basis. Basic research, curriculum development and teacher training activities need a certain amount of centralized coordination for maximum effectiveness. Left entirely to the individual states, these efforts could easily become fragmented, duplicative or, conceivably, lost altogether. A national approach to develop a common understanding of the educational problems in this area, to foster proven strategies and methodologies and to share the results widely is crucial to deal with one of our society's most serious problems.

It is not necessary here to belabor the depressing and ominous statistics about juvenile alienation and crime. The present and potential threat to society inherent in these numbers poses some rather grim prospects about the human and social resources that will be required to deal with the consequences of these delinquent populations as they enter the adult world. One of the measures of a good society is the way it deals with its disaffected members. It may be that the most cost-effective way to address the problem of this population is to concentrate a strategic share of resources on the area of prevention. Educational and preventive programs pose very difficult challenges to those who attempt to measure and evaluate their effect. It would be even more difficult, perhaps, to measure the consequences of their elimination or reduction in scope.

In conclusion, as a result of my own experience supported by the experience of over 100 professionals working with thousands of students and teachers throughout the country, it is my respectful recommendation to this committee that serious consideration be given to determine what aspects of the current functions of the Office of Juvenile Justice and Delinquency Prevention in the area of preventative education can best be accomplished at the federal level. Leadership, data collection, technical assistance, basic research, coordination of effort, innovation and development and validation of preventative strategies are just some areas which may be best addressed through a national presence. It is also possible that other kinds of efforts can be best handled by the states through the block grant program. To eliminate entirely the very important functions currently supported by the Office of Juvenile Justice and Delinquency Prevention in the area of innovative and effective education may result in even more costly and persistent problems to both the federal and state governments in the years ahead.

The human dimensions of this change in federal policy are impossible to calculate in this brief paper. There is no responsibility of a society greater than that of providing its youth with the fullest opportunity for achieving the rights and responsibilities of citizenship. The important work initiated in 1974 with the passage of the Juvenile Justice and Delinquency Prevention Act and the momentum that has been achieved must be allowed to be overlooked or completely lost in the current efforts to reduce federal spending.



PREPARED STATEMENT SUBMITTED BY BARBARA J SMITH, PH D, POLICY SPECIALIST, DEPARTMENT OF GOVERNMENTAL RELATIONS, THE COUNCIL FOR EXCEPTIONAL CHILDREN

We thank you for the opportunity to submit the views of The Council for Exceptional Children with respect to The Juvenile Justice and Delinquency Prevention, Act of 1974. The Council for Exceptional Children is a national organization with a membership of approximately 65,000 professionals in the field of special education. One of the most fundamental ongoing missions of the council, which has brought us to Capitol Hill on so many occasions through the years, is to seek continual improvement of federal provisions for the education of America's exceptional children and youth, both handicapped and gifted.

In our efforts to promote improved educational opportunities for exceptional students, the Council has become acutely aware of the incidence of educational and vocational special needs of the juvenile delinquent population. As you are probably aware, recent research efforts are evidencing an inordinately high prevalence of mental retardation, learning disabilities, and other handicapping conditions in the troubled youth population. Secondly, the few efforts to research the question of the prevalence of giftedness in the delinquent population have again reported a significant giftedness incidence rate. With the growing suspicion that school failure and frustration may contribute to delinquent behavior, the Council believes that the unusually high special educational needs of troubled youth must be addressed by the federal government as in this Act. Crime and delinquency are a concern of this nation as a whole and thus there remains an appropriate federal role in the attempt to promote methods to reduce and prevent the incidence of criminal behavior. To this end, we offer the following comments:

#### THE INCIDENCE OF SPECIAL EDUCATION NEEDS IN THE TROUBLED YOUTH POPULATION

Reports about the educational characteristics and the incidence of handicapping conditions among adjudicated youth have appeared at an increasing rate over the past two decades. Most of the studies have focused on the incidence of mental retardation and learning disabilities in this population.

Most investigations found a high prevalence (12 to 15 percent) of mental retardation among incarcerated youth as compared to an occurrence of 2 to 3 percent in the general population. Above average figures have also been reported for adjudicated youth with learning disabilities. Depending on the criteria used, between 30 and 70 percent of that population have been diagnosed as learning disabled. There is sufficient evidence to warrant the suspicion that the incidence of both mental retardation and learning disabilities occurs at a higher rate in the adjudicated population than in the population at large.

In a recent study of the number of handicapped youth in youth corrections facilities in the state of North Carolina, the following was found:

The number of mentally retarded youth in correctional facilities was approximately six times the number that can be expected from the general population. Youth expected to have learning disabilities far outnumbered the national expected percentage.

The incidence of communication disorders such as speech and hearing impairments was twice that of the general population.

Students significantly behind in academic skills, including those considered handicapped by federal definition, totalled 89 percent.

A national study recently reported that 12 percent of the juvenile corrections population were handicapped. In the same study, the average incarcerated youth was found to be academically behind age peers by two to four years, and that 80 to 90 percent have not completed high school requirements. The Law Enforcement Assistance Administration (LEAA) reported that 39 percent of the juvenile corrections population is functionally illiterate. And, in contrast, researchers in Colorado report that while gifted youth may not be more likely to commit delinquent acts, they may, however, be represented at least in the same proportion as in the general population and those who do become adjudicated evidence serious academic underachievement.

Thus, as you can see, we are facing a serious problem. Namely, if academic failure is associated with delinquent behavior, schools and correctional agencies must be encouraged to develop methods of remediating or preventing the prevailing serious educational problems of troubled youth.

Statement supported by the following organizations: American Coalition of Citizens with Disabilities, Inc., National Association for Retarded Citizens, United Cerebral Palsy Association, Inc.



## STATUS OF CURRENT SPECIAL EDUCATION PROGRAMS FOR TROUBLED YOUTH

Faced with this dilemma, the Council for Exceptional Children has begun to look at current special education services for troubled youth. Our preliminary conclusions are twofold:

The information on special education programs and services for troubled youth is surprisingly limited; and

The available information depicts a bleak picture of the current quality of programs.

The reasons for these facts are many. Education has not historically been a priority for corrections. Budget allocations for programs provide clear evidence to this fact. State education allocations for correctional programs are as low as 5 percent of the total budget. Secondly, education and correctional agencies have traditionally viewed their missions as quite different and separate, thus creating few opportunities or reasons for sharing expertise and resources. Right-to-treatment litigation efforts on behalf of handicapped incarcerated youth and research projects have consistently reported the following special education program inadequacies.

A serious lack of trained special education and related services personnel.

Inappropriate or insufficient educational evaluation and identification procedures for determining special education needs.

Failure to meet even the minimum federally and state mandated special education requirements.

Failure to plan cooperatively with education agencies for the transmission of relevant educational information both when the student leaves the public school arena and upon return.

Both education and corrections agencies are becoming acutely aware of the deficits in providing services to handicapped troubled youth. State corrections and human resources administrators have identified services to the handicapped offender as areas of high priority. Education officials, likewise, are beginning to bridge the gap between their agencies and corrections by initiating liaison efforts and offering technical assistance and training activities.

Thus, it has become abundantly clear that educational needs and delinquent behavior are related and yet schools and correctional facilities have not successfully developed methods for addressing the problem. The federal government took a long-awaited leadership role in the provisions of The Juvenile Justice Amendments of 1980 to provide necessary support for the development of special education methods and techniques for alleviating this situation. If the national crime rate is ever to be reduced, the federal, state and local governments must continue the efforts to gain an understanding of the various contributing factors, including educational problems, and to begin to eradicate them. A strong, visible federal role is necessary to continue what was begun in the last ten years. This role must include the continuation of the earmarking of federal resources for the support of such progressive efforts in the states to address the problems of juvenile delinquency.

The Council for Exceptional Children appreciates this opportunity to voice our support of the continuation of The Juvenile Justice and Delinquency Prevention Act. If we can be of further assistance to you in this very important matter, please let us know.

"If It Ain't Broke, Don't Fix It." BY SENATOR CHARLES MCC. MATHIAS, JR., AT THE ANNUAL SPRING LAW DAY DINNER OF THE CONSTITUTIONAL RIGHTS FOUNDATION, LOS ANGELES, CALIF., APRIL 26, 1981

It is a great pleasure to be here tonight to speak at the annual Spring Law Day Dinner of the Constitutional Rights Foundation. It is always a pleasure to associate with people who are dedicated, as you are, to moving our youth and our society toward a more enlightened and positive future. There can be no greater goal than that and, as a member of the Special Citizens Advisory Committee to the Maryland Law Related Education Program, I can testify from personal knowledge to the tremendous job you have done over the past 18 years to get your message across the entire nation.

In 1975, the Constitutional Rights Foundation provided consultants to help Maryland get its law related education program off the ground. First they set up workshops to show Marylanders the ins and outs of law-related education. Then, three years later when federal funding enabled the Foundation to help five states develop new or strengthened existing law related education models, Maryland was one of the states chosen to participate. As a result of your help, the Maryland program now ranks as one of the most respected and effective in the country. Our State has

trained approximately 5,000 teachers and almost 150,000 students in the ways of law-related education

Since 1978, the number of states participating in the Foundation's federally-funded program has grown from the original 5 states to 15. Several more were expected to join the ranks in the future but, as you know, a not so funny thing happened on the way to that expansion—the Administration pulled the rug out from under the Office of Juvenile Justice and Delinquency Prevention (OJJDP) which is the source of funding for the project. And, if OJJDP goes under, federal funding for your own law related education programs and other effective juvenile justice programs nationwide may go under too.

We first learned that OJJDP was to be one of the many casualties of President Reagan's fiscal austerity program last month when the Administration asked for zero funding for the program. President Carter had requested \$135 million for Fiscal Year 1982 so this decision sent shock waves through the criminal justice community which was still reeling from the Carter Administration's phase-out of the Law Enforcement Assistance Administration.

It is hard to reconcile ending one of this nation's few remaining federal anti-crime programs with the Administration's announced concern about whether the federal government is doing enough to meet its responsibilities about the "urgent, shocking national problem" of violent crime.

In three recent appearances before Congressional Committees, Attorney General William French Smith shed some light on this anomaly.

On March 11, Attorney General Smith told the House Judiciary Committee, "This decision does not mean that the Administration believes that the juvenile justice program was not a worthwhile effort. We believe that the juvenile justice program is primarily designed to ensure that juveniles are not forced, through a variety of circumstances, into a criminal justice system in which they do not belong. Such objectives can, and should be met through block grant programs administered by the Department of Health and Human Services and through efforts at the State and local levels."

On March 21, the Attorney General asked a subcommittee of the House Appropriations Committee "If we don't cut here, in juvenile justice, where will we cut? Then he added, "In litigation and law enforcement, we don't have a choice but to continue activities. In this area juvenile justice, our role is discretionary. Two days later Attorney General Smith told the Senate Judiciary Committee that the decision was one of those "hard choices" that have to be made in times of grave economic troubles.

There is absolutely no question that Ronald Reagan came into office with a clear mandate to do something about the faltering U.S. economy. And that mandate quite specifically includes cutting the federal budget and making hard choices between federal programs.

To come to grips with our grave economic troubles, to do battle with runaway inflation, soaring interest rates and sagging productivity, will require a determined national effort. It will require sacrifice and belt-tightening from everyone. Every single person in America must be prepared to give up something he or she prizes in order to get something we all need—economic stability.

To hold down federal spending, I could understand an Administration proposal to decrease funding for juvenile justice programs. But I can neither understand nor justify eliminating the program. Nor can I accept the Administration's conclusion that the federal role in juvenile justice is "discretionary."

We have had federal programs specifically for the prevention and control of juvenile delinquency for 20 years now, ever since 1961 when Congress first saw the need for an expanded federal role in the area. Admittedly, the federal effort was disappointing for a number of years. The program lacked real focus and all too often the annual appropriations fell far short of the authorized funding levels. Not until 1971 did the federal effort really get going. That year a strong bipartisan effort in the Congress produced the Juvenile Justice and Delinquency Prevention Act which clearly established the prevention of juvenile crime as a national priority. This legislation also committed federal technical and financial assistance to help local communities develop and sustain the innovative new approaches necessary to help juveniles in trouble and to keep them from getting into more trouble.

Passage of the 1974 Act established two important new federal policies.

1 That status offenders—those who would not be offenders if adult—should not be institutionalized, and

2 That juveniles and adults should not be commingled in jails.

To enforce these policies, federal block grant funds—which constituted the bulk of the federal monies available under the Act—were to be denied to any state which did not adhere to them.

Congress has good reason to impose the "deinstitutionalization and separation requirements on federal block grant recipients

First, there was ample evidence that far too many status offenders—guilty of truancy incorrigibility or running away—were ending up in juvenile penal institutions. As the Senate Judiciary Committee noted in its Report accompanying the Act "nearly 40 percent (about one-half million per year) of the children brought to the attention of the juvenile justice system have committed no criminal act, in adult terms, and are involved simply because they are juveniles". Moreover, Congress was troubled by the paradox that more juveniles guilty of status offenses wound up in juvenile institutions than those convicted of criminal offenses and that status offenders also spent more time in institutions than those guilty of serious crimes.

Second, Congress had reviewed a history of hundreds of thousands of young people being placed in adult facilities and exposed to sexual and physical abuse at the hands of hardened criminals. Against this background, not unnaturally, Congress determined that it was not in the national interest to maintain a criminal justice system that sent impressionable youngsters to jails and prisons with adult criminals.

In the seven years since the Juvenile Justice and Delinquency Prevention Act became law, we have come a long way. We have set up a sensible, workable system to deliver much needed financial and technical assistance to local communities. We have succeeded in making juvenile crime prevention a national priority. And, we have made real program toward achieving the Act's dual goals of "deinstitutionalization" and "separation".

46 states have demonstrated substantial or near substantial compliance with the deinstitutionalization mandate;

Whereas more than 200,000 status offenders were kept in secure detention in 1974, that figure today has dropped to fewer than 50,000.

17 states are in compliance with the separation mandate and 25 more states have made progress toward that goal.

Obviously we've accomplished a lot in seven years. Even the Administration concedes the effectiveness of the program. But, more needs to be done.

What worries me is that if OJJDP is closed down there no longer will be a financial incentive for states to comply in the areas of deinstitutionalization and separation. With the block grants gone the prospect of backsliding is real. Also gone will be both the well established and effective federal assistance program which has done so much to promote innovative juvenile justice projects and a federal role in encouraging local juvenile justice priorities, such as diversion programs and community-based treatment centers.

But, perhaps what would be missed most of all would be the feeling that the federal government is really committed to helping young people in trouble and to helping curb youth crime. We should never forget that although young people make up only two-fifths of our population, they make up all of our future.

We are told that the Administration intends to include juvenile justice under a block grant program administered by the Department of Health and Human Services. Under the new system, juvenile justice would compete for funds with 12 social service programs.

Senator Specter, Chairman of the Senate Judiciary Subcommittee on Juvenile Justice, has put his finger on the problem here. At Subcommittee hearings last month he said "My concern is that there will be enormous competition for the funds from Health and Human Services, and a program which was not even in Health and Human Services last year, but has been moved from the Justice Department, will find it extraordinarily difficult, if not impossible, to receive any attention through the block grant concept".

I am troubled by the puzzling inconsistency of extinguishing the only remaining federal anti-crime program at a time when violent crime is in the forefront of national consciousness. Crime haunts the inhabitants of our inner cities and licks hungrily at our suburbs, our elderly withdraw into isolation rather than risk assault on the streets, shopkeepers and householders alike arm themselves against intruders.

Statistics tell the tale. Violent crime climbed 59 percent in the last 10 years. Last year alone violent crime increased by 13 percent, the biggest jump in more than a decade. We live in a society where a murder is committed every 24 minutes, a burglary every 10 seconds and a woman is raped every seven minutes. Here in Los Angeles, last year there was an increase in every single violent crime category.

Statistics continue to show that juveniles between the ages of 10 and 17 account for a disproportionate share of police arrests annually. Young people in this age group comprise only 13.4 percent of the entire population and yet they are responsible for 20.1 percent of all violent crimes, 45 percent of all arson arrests, 41.5 percent

of all robbery arrests, 15.9 percent of rape arrests, 15.5 percent of arrests for aggravated assaults, and 9.3 percent of the homicide arrests.

These statistics contain a message we would be ill-advised to ignore.

They tell us that now is no time for the Administration to eliminate the last vestige of the federal government's anticrime program.

They tell us that any effort to control crime is doomed to failure if it does not focus on the juvenile crime problem.

They tell us that Congress was right on target last year when it amended the Juvenile Justice Act to place a greater emphasis on federally funded programs for serious youthful offenders.

And, finally, they tell us to tell the Attorney General's newly-appointed Task Force on Violent Crime that is should turn its attention to juvenile delinquency if it wants to get a handle on the adult crime problem.

In the entire nine pages of documentation released by the Justice Department on March 5 when Attorney General Smith announced the creation of a special task force to recommend what the federal government should do to combat violent crime, there was not a single word about juvenile crime—not a single word, not even in parenthesis or with an asterisk.

That tragic omission tells you all you need to know about the challenge ahead for the juvenile justice community. You must fill the gap. You must convince the Administration and the Congress that there is a continuing federal role in juvenile justice and that changing horses in the middle of a stream swollen to a raging torrent is dangerous.

If the federal government is to stay in the juvenile crime fighting business, which I firmly believe it should, organizations like the Constitutional Rights Foundation must make the case. You are past masters at changing attitudes among the young. The time has come to turn your skills of persuasion on their elders in Congress and in the Administration.

In the fierce competition for dwindling federal funds, only programs that can be proved to be cost effective are going to survive. Juvenile justice programs pass the cost-effectiveness test with flying colors, but you must make the case for them.

You will not be without powerful allies. Les Brown, Commissioner of Public Safety in the beleaguered city of Atlanta, thinks maintaining the federal role in juvenile crime prevention is so crucial that he came to Washington last month to plead the case. "It seems clear to me," he said, "that if we as a nation are sincerely concerned about both the immediate and long-range problem of crime in this country, we must at this time establish priorities. The first priority . . . must be the prevention of juvenile delinquency."

I heartily agree and, as a first step in establishing that priority, I have asked the Attorney General to add a juvenile justice expert to the Task Force on Violent Crime. I hope you will second that motion. Working together, we may still be able to turn this situation around.

All we really need to do is to preach a little folk wisdom in the right places—if it ain't broke, don't fix it.

PREPARED STATEMENT OF ALTHEA T. L. SIMMONS, DIRECTOR, WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE NEED FOR THE JUVENILE JUSTICE PROGRAM

The Administration's proposal, enunciated by Attorney General Smith in his testimony on the Department of Justice's reauthorization bill to concentrate on organized and white collar crime and narcotics traffic would be commendable if it were not proposed at the expense of juvenile justice programs. However, advanced in the context of an accompanying plan to cut these latter programs by \$136 million, in effect eliminating them, it would seem to ignore the old adage: "an ounce of prevention is worth a pound of cure." While we cannot introduce statistics to support our conclusion, we are nevertheless convinced that the 16 to 1 ratio envisioned by that saying is most likely valid.

All social indicators show that minority youth are in a desperate state and most likely to be vulnerable to the lure of a life of crime. Unfortunately the crime statistics indicate that they succumb in greater proportion than their contemporaries who more abundantly participate in the economic, educational and social benefits of our still affluent society. This relationship between crime and economic and social conditions should be considered in light of the conditions faced by minority youth, especially black youth in our society.

The 1980 Economic Report of the President showed the black unemployment rate to be 11.2 percent as compared to 5.1 percent for the nation, with black youth unemployment at 15 percent plus. We believe these figures represent a gross under-

statement. The median income for black families, which had risen to 62 percent of that of whites in 1975, decreased to 57 percent in 1979 and the gap is widening. The number of black families in poverty in 1979 was 30.9 percent—over 3.5 times the percentage of whites.

Black teenagers have rapidly fallen behind their white counterparts in private employment. A 16 to 17 year old male in 1954 had the same probability of being employed as a white youth of the same age, however, that probability has steadily deteriorated to only 45 percent in 1979. Expressed another way, white 16 to 17 year old males have been able to increase their employment from 40.8 percent of their age group in 1954 to 46.1 percent in 1979 while blacks' employment has declined from 40.4 percent to 20.7 percent over the same period.

Eighteen (18) to 19 year old teenagers have a similar experience. Their employment prospects have dwindled since 1954, when 38% more black than white 18 to 19 year old youths were working, until they are only 62 percent of a white youths chances of employment.

Recent crime statistics show that proportionately only 30 percent as many blacks as whites are likely to complete college. The alarming dropout-pushout rate in institutions of secondary education and the declining quality of elementary and secondary education in many areas of black population concentration increase the likelihood that the average black will be less able to compete in an increasingly more technical society.

The budget proposals before the Congress indicate a deterioration in the bleak picture these statistics indicate. The elimination of CETA jobs, the decrease in funds available for educational, nutritional and health programs, the limitations on educational loans, all increase the prospects that black youth will be increasingly exposed to higher chances of unemployment, lesser prospects for educational advancement and greater risks of growing up in conditions of poverty. Given these factors, and pending their elimination, there is little prospect that their involvement in crime will decrease in the near future.

Hopefully, we could expect for those who are unfortunately involved in the criminal justice system, an increase in opportunities to be counseled, rehabilitated and directed into useful pursuits in society, rather than being exposed to the dangers of being treated as adult criminals. These expectations appear to be futile, at least on the Federal level, if the Attorney General's recommendations are adopted. The elimination of the Juvenile Justice Program will not only terminate federal funding but will be a declaration of national policy that the juvenile offender is not worth the effort of attempted rehabilitation.

The NAACP does not consider the suggestion of block grants to states as a viable substitute. We, who have been haunted by the shibboleth of states rights throughout our entire history of fighting for freedom, know only too well that returning these programs to state and local authorities means an abandonment of federal responsibility with no corresponding imposition of obligations on the recipients of federal funds to meet any standards of decent treatment.

The NAACP knows that the federal obligation was assumed in the first instance because of the failure of state and local authorities to adequately meet the needs of the affected youth. We therefore urge that the existing programs be continued in order that somewhere down the line society be relieved of the costs of caring for hardened criminals who could have been saved as juveniles with a little extra effort, and more important, of the societal costs of those criminals (the majority) who are never apprehended despite the ever increasing appropriations for criminal law enforcement and punishment.

PREPARED STATEMENT OF CHARLES SALEM, MAYOR, GOODYEAR, ARIZ., MEMBER, MARICOPA ASSOCIATION OF GOVERNMENTS, AND PRESIDENT, NATIONAL ASSOCIATION OF REGIONAL COUNCILS

Mr. Chairman, I am Charles Salem, a member of the Maricopa Association of Governments, Phoenix, Arizona, and President of the National Association of Regional Councils.

The National Association of Regional Councils represents approximately 350 of the nation's 600 regional councils of local governments. Regional councils are public organizations encompassing regional community and are tied directly to their local governments through local and/or state government actions. The basic responsibility of a regional council is to be an umbrella agency which coordinates regional coordination and management activities. Many regional councils also arrange for the implementation of regional policies.



I appreciate the opportunity to provide the Subcommittee with our views on proposals for continued federal assistance to state and local governments attempting to administer viable juvenile justice programs.

We know that past hearings before the panel have amply reflected both the successes and the shortcomings of our nation's juvenile justice system. Therefore, we will not cite the obvious array of statistics that demonstrate the magnitude of the problems. Nor will we take up your time by demonstrating yet again the benefit to society to intervene with troubled youngsters to assist in diverting them from trouble with the law or to assist those who are already in the juvenile justice system.

What we do, however, is to demonstrate the need for continuing some federal assistance in these efforts. The past federal investments have triggered innovative approaches in many communities; these have the potential for successful application in many other parts of the country.

Simply put, the federal investment modest as it is has greater relevancy than ever in this time of scarce resources. State and local governments, in many cases, are operating at the margin. Tax restrictions and inflation are restricting their ability to render services. In some cases, they are reducing activities in order to provide only the most essential services and often at reduced levels. This is not a time when these units can readily absorb programs and activities concerned with new and innovative approaches to public problems. The cost effectiveness of the cooperative approach, therefore, becomes more important. Ironically, however, many of these cooperative ventures must be terminated or deferred if they have to rely solely on local funds.

Faced with a choice between continuing bread and butter services or continuing to explore innovative methods to deal with troubled youth, local officials simply have little choice. To continue even a modest level of activity, federal assistance is critical.

Following are some examples of how specific communities are addressing the problem of juvenile crime now. The San Antonio metropolitan area had a serious problem with juvenile vandalism. To address this, the Alamo Area COG used as seed money to begin to establish a Vandalism/Violence Task Force. This Alamo Area Council of Governments effort has been nominated for designation as an exemplary project by the National Institute of Justice and will serve as a nationwide model. Incidentally, this program is now being conducted with WIS II funds, but it points out how a small amount of federal funds can spur a successful effort.

Under the leadership of Esteban Sosa, chairman of the VTF and board member of the Harlandale ISC, the intergovernmental effort of the Task Force has utilized an effective interagency approach to the serious problem of vandalism. Various law enforcement, school and judicial groups along with the National Council of Christians and Jews, the Texas Council of Crime and Delinquency, San Antonio Parks Department, VIA Metropolitan Transit and Southwestern Bell officials have met on a monthly basis in an effort to devise methods for addressing the problem. Many times a problem discussed at a meeting will receive an immediate solution based on the experience of another Task Force member. From December 1975 until May 1980, this effort was carried out without specific funding as an additional service of the Council of Governments under the regular criminal justice planning function. Since the LEAA program has been phased out, which provided funding for this project, this has since been discontinued, which points out why additional funding is needed by state and local government.

In May, the Governor's Office of General Counsel and Criminal Justice funded ALCOG for a community wide plan to inform the public. Through the use of radio and television, public service spots as well as billboards and posters, the public was reminded about the waste and excessive costs attributed to vandalism. Additionally, training was included in this project for school administrators, teachers, counselors, parents, students and security personnel to prepare a personalized action plan to address each particular school's problem as defined by the school team. A goal of the program was directed toward juveniles and involved them in the program. This approach is significant, because each problem is singular and each action plan must be geared individually.

This unique intergovernmental cooperation and community networking exhibited by the Task Force has drawn attention in other jurisdictions of Texas, and the project has already been replicated in Dubuque, Iowa. Only 34 projects have been designated as exemplary by LEAA in its history, and the Vandalism Task Force has the chance to be number 35. Yet it may not have begun were it not for the initial federal investment, which provided the resources to try a cooperative approach to deal with crime problems.

Clearly, Mr. Chairman, this type of community effort operating within a total metropolitan area and enlisting public and private interests in a joint effort is a



response to federal leadership and support Programs of this type deserve your support.

Thank you for giving me the opportunity of testifying before the Subcommittee.

PREPARED STATEMENT OF THE NATIONAL BOARD OF THE YOUNG WOMEN'S  
CHRISTIAN ASSOCIATION OF THE U.S.A.

THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The National Board of the Young Women's Christian Association of the USA appreciates the invitation to submit its statement to the Hearings of the Senate Subcommittee on Juvenile Justice on the Office of Juvenile Justice and Delinquency Prevention. This statement is submitted with deep concern for the seriousness of the decision to be made by the Congress of the United States relative to the nature and extent of this Nation's efforts in behalf of delinquent and endangered youth. The YWCA statement is made in behalf of all youth—female and male: its focus—derived in significant part from the direct experience of the National Board, YWCA and its local affiliates across the country—is on endangered and delinquent female youth with whom the YWCA of the U.S.A. has worked in many different settings, taking many different approaches, in the course of its 100 plus years of service in this country.

In this statement, the National Board of the YWCA seeks to make evident its strong support of:

1. maintenance of the Office of Juvenile Justice and Delinquency Prevention as a distinct entity within the US Department of Justice, with provision for its continuing role as a source of Federal leadership in the work that is essential to the Nation's effort to protect, and where necessary, to rescue its greatest treasure—its youth—from the consequence of crime/delinquency-related forces which are impinging upon the health, safety and well-being of these youth through unceasing attacks upon their life styles and their values;

2. rejection of the proposition that calls for merging the work that has been mandated by Federal legislation with traditional "youth services" within the U.S. Department of Health and Human Services;

3. continuation of the provision that 20 percent of OJJDP funds under the Special Emphasis Programs be made available to private nonprofit organizations; and

4. specific attention to the importance of the roles and functions of national voluntary organizations in relation to the subject delinquency prevention and control national effort, with consequent provision for their continued participation in their already-established partnership with OJJDP to which the National Board YWCA and other national voluntary organizations have addressed their support, their cooperation, and their energies throughout the years during which the Law Enforcement Assistance Administration and the Office of Juvenile Justice and Delinquency Prevention have fulfilled their roles as Federal representatives in this conjoint effort.

1. Maintenance of the Office of Juvenile Justice and Delinquency Prevention as a distinct entity within the US Department of Justice, with provision for its continuing role as a source of leadership in Federal contribution to the prevention and control of delinquency.

The National Board of the YWCA of the U.S.A. has demonstrated its interest in and support of the governmental role in efforts to reduce and control delinquency in many ways throughout its years of work on behalf of, and with women and girls. This has been intensified in recent years beginning in 1968 when the Juvenile Delinquency Prevention and Control Act of 1968 and the Omnibus Crime Control and Safe Streets Act of 1968 were passed. It seems significant to the present YWCA stance that a number of its most telling programs in this field of endeavor were made possible by the latter—the Omnibus Crime Control and Safe Streets Act. Although it had been possible for the National YWCA to mount a national training program—the Youth Workers Team Learning Project—under the then-HEW-administered Juvenile Delinquency Prevention and Control Act, few of the potential YWCA programs planned through this training were successful in securing even limited funding from this HEW source. Not until Regional Offices of the LEAA responded positively to the overtures of the National Board YWCA were resources made available for YWCA programs serving female youth who had come into conflict with the law, and who were referred by justice agencies these programs were first—in the State of Texas; second—in the six New England States; and

third—in New York State, where youths 16-18<sup>1</sup> were included in an in-county institutional and follow-up program serving female inmates. It was initiated and carried out by five YWCAs in three counties. The New England program was in progress when OJJDP was created; this new agency contributed resources which made its continuity possible.

This information is set forth in support of the YWCA conviction that the significant work with youth who are en route to, involved in, or moving out of conflict with the law status has found its most fertile soil in agencies within the Justice Department, i.e., with agencies that carried among their prime responsibilities impacting the respective justice systems and that have been administered by persons not found to be knowledgeable about the justice system and the requisite interaction between such knowledge and experience and the programs that are directed toward youth who may be enmeshed in the system's mechanisms.

There may be a semantic veil that obscures the differences between work that is reported to be typical of generic approaches and those "youth services" that typify the delinquency prevention and control effort. The language is the same, the dynamics differ, the investment for the latter must be greater, the effort more intense, the cost higher. The undertaking that seeks to affect the justice system and the youth who are susceptible to its actions and controls has proven to be most substantial when the voluntary organizational sponsor works with the governmental funding resource that is focussed on the justice system and understands the ramifications of all of the efforts, the weaknesses and the strengths of the given joint effort and the distinctive requisites for successful performance. It is the YWCA opinion that this resource is supplied best by the justice-related Federal agency, that the work with delinquent and endangered youth will not compete successfully if it is placed in the mainstream of general youth services, without special consideration of its distinctive obligations and requirements.

Rejection of the proposition that calls for merging the work that has been mandated by federal legislation with traditional "youth services" with those within the U.S. Department of Health and Human Services.

Some of the rationale for this position has been set forth under point No. 1 above. Other supportive reasoning may be offered that includes the importance of special attention to serious crime among youth. This leads to consideration of some of the readily available figures on arrests, the nature of offenses, and related data. It is reported that there have been some effective results from some of the work that has been carried on to date that may be reflected in some decline in the numbers of youth arrests. In spite of this, there are serious problems requiring concentrated effort. Resisting the temptation to cite an array of statistical data within this statement, the National Board YWCA does wish to point to some of those that underline the need for continuing, concentrated, concerned work especially with female youth. Note that the FBI Uniform Crime Report, published in 1980, reflecting data for 1979 indicated:

Of the 6,854,751 males arrested in 1975 1,482,686—22 percent—were under 18 years of age.

Of the 1,274,168 females arrested during the same period 381,755—30 percent—were under 18 years of age.

20 percent of violent crimes committed by males were reported to have been committed by youth under 18, 21 percent of those committed by females were reported to have been committed by female youth under 18.

These and the reams of other data that are available have led to increasing recognition on the part of those who are investing themselves in the effort to reduce—indeed reverse—some of these developments of the importance of maintaining and strengthening the partnership between the justice-related agency—OJJDP—and the voluntary sector. It is felt that that partnership has identified some avenues to successful joint effort. It seems apparent also that that success may rise to higher effectiveness only if it is permitted to build on its past endeavors and to mount an even stronger joint undertaking. To move to new—wetter—less distinguishable approaches would be susceptible of generating losses on past investments. These losses, it seems clear, would be in terms of young people, their potentials, their possibilities, their opportunities to avail themselves of the products of past efforts made by the joint partnership of OJJDP and its nongovernmental partners.

This leads directly to:

Continuation of the legislative provision that 20 percent of OJJDP Special Emphasis funds be made available to private, nonprofit organizations.

The reason for this YWCA position seems to have been established in the foregoing. The nonprofit organizations have the people, the places, the knowledge, the

<sup>1</sup> In New York State these youth were classified as adults.

credibility, the interest, the commitment and—in many instances—the knowledge and experience gained through the above-cited joint work with OJJDP. They need, must have, additional resources to apply all of this to the work that is to be done in the months and years ahead, if the desired results are to be achieved. This is particularly true of this period when attention is directed to the need for more forceful work in relation to serious crime among youth, and when there are evidences that opposing forces are reaching more audaciously toward younger and younger and hitherto protected youth when daily reports carry information about criminal/delinquent influences moving into the corridors of school buildings and into other points of contact with youth formerly believed to be "safe" and secure.

4 Specific attention to the importance of the roles and functions of national voluntary organizations in relation to the subject delinquency prevention and control national effort.

The National Board, YWCA has joined other nonprofit youth-serving organizations in a statement submitted to this Subcommittee. Care, therefore, has been taken to avoid repetition of information presented therein. At this point, it seems most desirable to focus on its own experience and to summarize some of its own recent/current learning.

As this statement is in preparation, the National Board YWCA Juvenile Justice Project—a three-year effort funded by OJJDP in 1978—is moving toward its last six months of operation. Developed to provide resources for the National Board, YWCA to share its experience through the provision of technical assistance to other selected national voluntary organizations that—heretofore—have not worked with delinquent and endangered females, especially those who are members of disadvantaged minorities, this project has succeeded in stimulating the involvement of six other National Voluntary Organizations.<sup>2</sup> The American Red Cross, The Links, Inc., National Association of Milliners, Dressmakers and Tailors, National Coalition of Hispanic Mental Health and Human Services Organizations, National Congress of American Indians, and Organization of Pan Asian American Women.

It has succeeded also in expanding its work with a number of affiliated Community and Student Associations.<sup>2</sup>

This project has been directed toward "increasing the capacity of voluntary organizations for the prevention and treatment of delinquency among girls." It has included adult and youth representatives of a cross-section of racial/cultural/ethnic groups, with a focus on youthful members of disadvantaged minorities. The imperative need for this focus has been demonstrated repeatedly within the project's activities, many of which have underscored the fact that many female youth who are members of such minorities are highly endangered, often outside the mainstream of "traditional youth services" and—for a range of sociological and economic reasons—are to be found in situations highly vulnerable to crime and delinquency related penetration.

This National Board YWCA-sponsored project demonstrates the efficacy of work with and through national voluntary organizations, each of which—in turn—has been enabled to stimulate interest, provide guidance and otherwise work with its own affiliates in accordance with its own operational mode, in a variety of settings to achieve the project's purpose. This includes working with local justice systems as well as with other local community resources, represents an unusual cost-effective approach that could not have been achieved by individual fundings of each of the participating units reaffirms the need for funding at a level which permits such national undertaking, and which is not constrained to sole reliance upon State or local resources, even those that flow from the Federal Government through block grants; lays the foundation for reassertion of the National Board, YWCA's statement to the Assistant to the President for Domestic Affairs and Policy in 1978 to the effect that: "The National Board of the YWCA is deeply concerned about impending action directed to reduction of the funding level for the Office of Juvenile Justice and Delinquency Prevention."

It is crucial that the Administration encourage and support OJJDP in its new thrust toward reaching the troubled youth of the nation. For the first time since enactment of juvenile justice legislation, significant efforts are underway to engage community resources in meaningful participation with government to help attack one of the most persistent and serious problems of our children and youth now and to strengthen these resources for continuation of services in the future.

The position of the national Board of the YWCA has not changed. In fact, it has been reinforced in the intervening period. We, therefore, urge the Subcommittee on

<sup>2</sup> Refer attached HIGHLIGHTS—a three-page exhibit excerpted from an assessment report to OJJDP, which tells much of the accomplishment story for the first two years of this undertaking.

Juvenile Justice to support funding at or above the level of \$100 million per year for this vital national obligation, to vote for continuation of OJJDP as an agency within the Department of Justice, to assure the availability of the resources thus made available for national as well as local efforts, and to do everything within its power to safeguard the investments that have been made and to assure their continuity and their opportunity for productivity and effectiveness in the years to come.

#### HIGHLIGHTS

A National Board of the YWCA program of Technical Assistance- training, consultation, demonstration- directed to 'high risk' female youth, involving six other National Voluntary Organizations, with special emphasis upon racial, ethnic, cultural minorities, and with special reference to difficult problems not covered by typical youth advocacy and treatment programs."

Representing the combined efforts of seven National Voluntary Organizations working in 17 different sites<sup>1</sup> in 20 States and the District of Columbia.

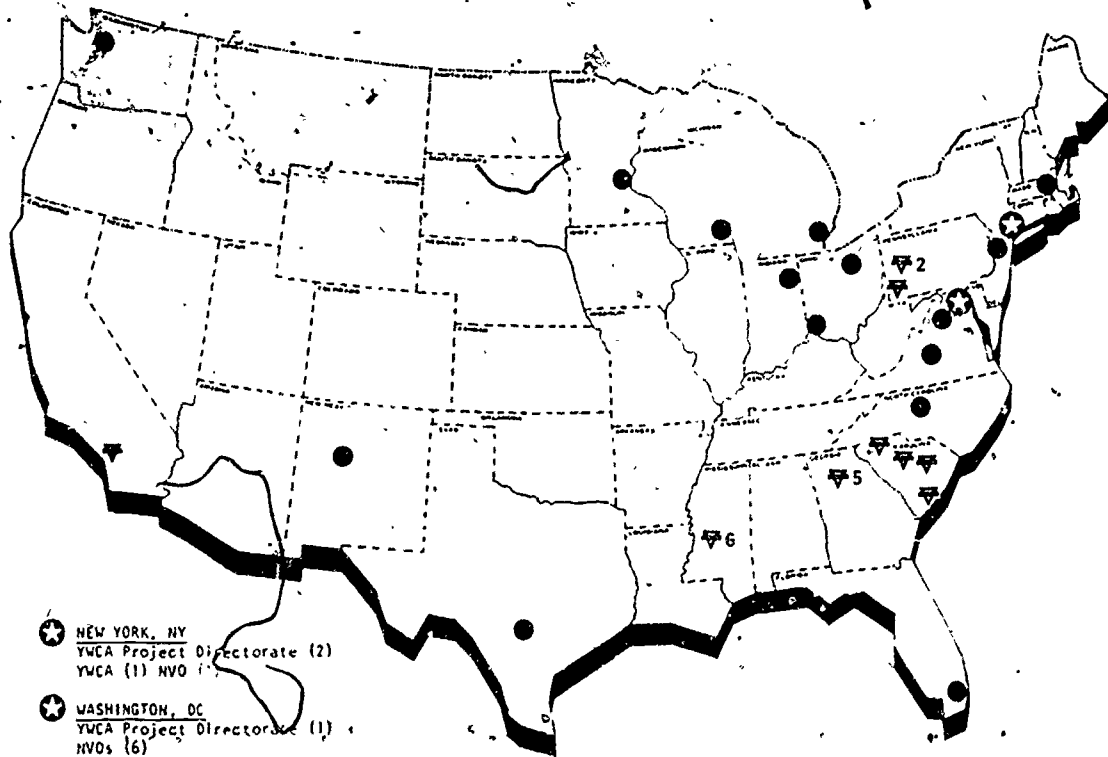
Involving approximately 2,000 youth between the ages of 11 and 17 years, a significant number of whom are endangered and/or delinquent female youth who are members of racial cultural ethnic minorities in all aspects of the project activities

Developing and implementing individualized organizational approaches to increasing their respective capacities for prevention and treatment of delinquency among girls, serving as advocates in relation to problems and issues considered crucial to the reduction of endangerment and delinquency among girls, and evolving and expanding ways in which youth and adults may work together in all phases of the undertaking

Retrieving and drawing upon the experience of the sponsoring organization and other participating structures, relative to the target work, population, and accomplishments, assessing needs, creating and testing models for advocacy, service delivery, and related actions with reference to needs identified, developing methods and systems for continuing assessment of progress and signal achievement, and deliver it, developing and utilizing a variety of technical assistance approaches and methods

Generally, moving along differing paths in accordance with respect for individual organizational differences toward common goals.

<sup>1</sup>Includes headquarters sites



★ Sites of YWCAs

● Sites of NVOs

ORGANIZATION	HEADQUARTERS/OPERATING	CONFERENCE SITE/AREA
THE AMERICAN RED CROSS	<u>Washington, DC</u> Cincinnati, Ohio St. Paul, Minnesota	
THE LINKS, INC.	<u>Washington, DC</u> Fort Wayne, Indiana Lynchburg, Virginia	
NATIONAL ASSOCIATION OF MILLINERS, DRESSMAKERS AND TAILORS	<u>New York, New York</u> Boston, Massachusetts Cleveland, Ohio Greensboro, North Carolina Newark, New Jersey Washington, DC	
NATIONAL COALITION OF HISPANIC MENTAL HEALTH AND HUMAN SERVICES ORGANIZATIONS	<u>Washington, DC</u>	Detroit, Michigan Miami, Florida San Antonio, Texas
NATIONAL CONGRESS OF AMERICAN INDIANS	<u>Washington, DC</u> Albany, New Mexico Milwaukee, Wisconsin	
ORGANIZATION OF PAN ASIAN AMERICAN WOMEN	<u>Washington, DC</u>	National Capital Area District of Columbia Maryland Virginia Seattle, Washington
YWCA OF NORTH ORANGE COUNTY	<u>Fullerton, California</u>	
YWCA OF GREATER ATLANTA	<u>Atlanta, Georgia</u> Phyllis Wheatley Branch Clark College Morris Brown College Spelman College	
MISSISSIPPI DISTRICT YWCA	<u>Jackson, Mississippi</u>	Clinton, Hattiesburg, Macon; New Albany; Yazoo City
NEW HARLEM YWCA	<u>New York, New York</u>	
YWCA OF GREATER PITTSBURGH	<u>Pittsburgh, Pennsylvania</u> McKees Rocks, Pennsylvania Sto-Rox Center	
WASHINGTON, PENNSYLVANIA YWCA	<u>Washington, Pennsylvania</u>	
CONSORTIUM OF YWCAs IN SOUTH CAROLINA	<u>Sumter County, South Carolina</u> Greater Charleston Columbia Greenville	
NATIONAL PROJECT HEADQUARTERS NATIONAL BOARD, YWCA RESEARCH AND ACTION, INC.	Washington, DC New York, New York New York, New York	

24 NVO SITES - 20 YWCA SITES - 3 NATIONAL SITES = 47 SITES IN 20 STATES PLUS D.C.



# PREPARED STATEMENT BY THE NATIONAL COALITION FOR JAIL REFORM

The National Coalition for Jail Reform is made up of 32 very diverse national organizations including the National Sheriffs' Association, National Association of Counties, National League of Cities, National Center for State Courts, and American Correctional Association who are concerned about the conditions in jails and people who should not be there.

The 32 member of the National Coalition for Jail Reform have unanimously adopted policy which states that "No Juveniles Should be held in an adult Jail."

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has recently gone through a lengthy reauthorization process. In reauthorizing the Juvenile Justice and Delinquency Prevention Act, the 96th Congress of the United States with wide spread support from across the country, agreed that there should be a national effort to remove all juveniles from adult jails. The belief underlying this legislation was expressed by Congressman Thomas Coleman, that even with sight and sound separation (of juveniles from adults in jails), juveniles could be irreparably harmed by incarceration in adult facilities.

The failure to fund the Juvenile Justice and Delinquency Prevention Act would be a grave set back to efforts to implement this national bipartisan mandate. Federal leadership spelling out where we ought to be going and helping states and local governments to work towards this goal is essential for the success of this effort. The end of the Office of Juvenile Justice would in effect mean the end of the momentum to remove juveniles from jail.

Holding juveniles in adult jails is such a widespread and serious problem that it necessitated a federal mandate for removal and immediate action at the federal level. Estimates are that well over 500,000 juveniles are held in adult jails and lockups each year.

A study by the Children's Defense Fund showed the horrendous results from housing juveniles with adults.

A fifteen-year old girl was confined with a thirty-five year old woman jailed for murder;

A sixteen-year old boy was confined with a man charged with murder—who raped the boy three times;

A sixteen-year old boy was confined with five men, among them, a man charged with murder; and escaped prisoner, a child molester charged with molesting three boys.

Billy (age 12), Brian (age 13) and Dan (age 14) were suspected of stealing some coins from a local store. They were placed in a cell with one older boy and two men. The first night, the men decided to have a little fun. As Billy and Brian lay sleeping, the men placed matches between Billy's toes and in Brian's hands, lit them and watched them burn, laughing as the boys awoke in pain and horror. The second night the boys, too afraid to sleep, lay awake listening to the men talk about how they hadn't had a woman in a long time and how these boys would do just fine. The men tore off the boys' clothing and then, one by one, each of the men forcibly raped the three brothers.

Two nights later the abuse was repeated. The men poured water on Dan's mattress, filled Billy's and Brian's mouths with shaving cream, stripped the boys naked and raped them. Finally, after five days of terror in jail, the boys were brought before a judge.

The judge allowed Dan to go home. But Billy and Brian, awaiting transfer to the Department of Youth Services, were sent back to the county jail. Upon their return the boys begged not to be put in a cell with adults. But the trusty ignored their pleas and led them back to the same cell they had been in before, where the same men waited for them.

Many states endeavored to comply with the sight and sound separation mandate, but jails were not built with separate facilities for juveniles. To achieve separation, juveniles are often placed in solitary confinement. Thus, to protect him from being housed with a murderer, rapist or thief, a youth may be "protected" by being left alone in solitary confinement all day. Juveniles emerge from such confinements more angry, confused and in need of assistance and supervision than when they entered.

The disproportionate rate of suicide per 100,000 juveniles in adult jails (12.3 percent) compared with the rate (1.6 percent) in juvenile detention centers is an alarming statistic and demonstrates the seriousness and inappropriateness of such confinement.

As long as jails can be used to house juveniles in some situations, they will be used in many.

One child was in jail because her father was suspected of raping her. Since the incest could not be proved, the father was not held. The child, however, was put in jail for Protective Custody.

Removing juveniles from jail is an issue of justice. And the Office of Juvenile Justice and Delinquency Prevention is primarily a justice program, not a social service program. By including the justice program with social service programs and turning this money back to the states we fear the justice issue of removing juveniles from jail will end.

When the 96th Congress mandated the removal of juveniles from jail, OJJDP was given the responsibility for implementing this mandate. To begin this effort, they have funded an initiative through which communities are assessing the problem and implementing policies, procedures and programs to provide solutions and alternatives to incarcerating juveniles in jail. This program is building a momentum at the local level, which may end if the federal commitment is withdrawn. We are on the edge of learning how communities can most effectively plan for and effectuate the removal of juveniles from adult jails. What we learn from these efforts will be benefit to other communities across the country.

Congress wisely required that a national study be done to assess the impact of the removal amendment on state and local governments. The office is about to undertake this Congressionally mandated evaluation of how successful communities are in this effort and what the problems they face as they do so. This evaluation will be invaluable to other cities and counties so they can learn from the experiences of others.

#### In Summary:

1. Housing juveniles with adults in jails causes irreparable harm to the juveniles. The need to end this practice is critical.

2. The 32 national organizations in the National Coalition for Jail Reform unanimously agree that juveniles should not be held in jail.

3. The Office of Juvenile Justice and Delinquency Prevention was reauthorized with widespread bipartisan support, only last year. At that time, Congress, concerned about the size and extent of the problem, mandated the removal of juveniles from jail.

4. Since then, federal leadership and initiative in this area has resulted in momentum building across the country to remove juveniles from jail.

5. States need help in how to do this most effectively, how to avoid the problems others have encountered, how to develop appropriate alternatives, and learning what the experiences of other states have been.

6. It doesn't make sense for 50 states to each be collecting this information, each asking each other what worked for them, and each looking for answers to the same questions 49 other states are also asking.

7. An assessment of the experiences of different states will begin soon. States need that evaluation to help them plan and avoid the errors that another state has made, and learn of solutions that their state has found to be a difficult problem.

8. The end of the Office of Juvenile Justice and Delinquency Prevention and the federal mandate to remove juveniles from jail would mean a serious setback in the efforts of states to effect this removal. It is unlikely that this could be accomplished without an entity in the federal government to provide leadership and assistance to the states.

#### PREPARED STATEMENT OF THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION

In 1974, Congress responded to the failings of this nation's juvenile justice system by enacting the Juvenile Justice and Delinquency Prevention Act. The major failings of this system which Congress identified are nothing less than a national scandal. They include the incarceration of thousands of children each year in adult jails, the warehousing of children in institutions, the secure confinement of status offenders, and the lack of coordination and leadership necessary to implement effective delinquency prevention and rehabilitative programs.

It is ironic that the magnitude and pervasiveness of these failings, and the resulting tragic consequences for millions of children, were not fully unveiled until the early 1970s, almost 75 years after the inception of the juvenile justice system. Indeed, the first juvenile court legislation, enacted in Illinois in 1899, resulted from citizen outrage at the jailing of children with adult offenders.

With enactment of the Juvenile Justice and Delinquency Prevention Act and creation of the Office of Juvenile Justice and Delinquency Prevention Congress

A status offense is an act which is illegal only because the offender is a juvenile. Curfew violation is a status offense.

recognized that ending the abuses in this nation's juvenile systems required a national policy and commitment of federal resources and leadership.

The Office of Juvenile Justice and Delinquency Prevention provides this federal leadership. The Act's goals are being realized through a multi-pronged approach including formula "block" grants to the states and support of innovative advocacy both locally and regionally.

Great strides have been made in the past seven years, but it is imperative to recognize several important realities. First, the atrocities visited upon children for decades would continue unabated if not for the leadership of the federal government. Despite this leadership, problems still affect children throughout the juvenile justice system. Second, the innovative advocacy projects which the Office of Juvenile Justice and Delinquency Prevention has supported play an integral role in achieving of the Act's goals. Third, resolving the problems facing the juvenile justice system requires long-term commitment.

#### EXISTING PROBLEMS AFFECTING CHILDREN THROUGHOUT THE JUVENILE JUSTICE SYSTEM

Local police and other law enforcement officers generally have little training in dealing with troubled youth. The officers usually cannot identify the psychiatric, familial, medical, or other problems of youths taken into custody. They cannot divert juveniles with such problems away from the juvenile justice system and into appropriate service agencies.

In most communities, large numbers of children are incarcerated in detention centers, jails, and similar facilities for minor misconduct, or for conduct which would not even be criminal if committed by an adult. Few communities have developed standards for secure detention of juveniles which effectively confine only juveniles who are dangerous to themselves or others.

Fourteen years after the U.S. Supreme Court's landmark *Gault* decision, accused juveniles are denied basic constitutional rights. Juvenile court judges face overcrowded dockets and insufficient court resources. They frequently advise youngsters that representation by an attorney is unnecessary, time-consuming, and possibly an expense which the state will collect from their parents. The young people often are unable to withstand this subtle coercion or to appreciate the role of the lawyer in legal proceedings. Many readily waive their constitutional right to counsel. In Salt Lake City, Utah, in 1979, only 5 percent of the 6,000 juveniles charged with serious crimes were represented by attorneys in juvenile court.

Throughout the United States there is widespread incarceration of children in jails and other inappropriate facilities prior to proceedings in juvenile court. The Community Research Center at the University of Illinois estimates that in 1978 there were 479,000 children confined in adult jails and police lock-ups in this country.

Particularly in rural communities, there are chronic shortages of alternative placements and services for juveniles, both before and after adjudication. Local officials dislike confining juveniles in the county jail but lack the technical expertise and resources to develop alternatives such as group homes, shelter care, extended foster care, and independent living arrangements.

Children committed to state institutions often must live in oppressive and degrading conditions which violate basic constitutional rights and fundamental decency. Shunted through a juvenile court system whose proclaimed purpose is rehabilitation, children routinely are locked for long hours in cells that are small, dark, dirty, and inappropriately heated or ventilated. They are isolated from family and friends, with mail and visits strictly regulated and monitored by institutional staff. They are intimidated or assaulted by guards or by other inmates. They are denied counseling and other basic rehabilitative services.

Disadvantaged and minority children feel the weight of the juvenile justice system even more heavily than others. Black and Hispanic children are investigated by police, taken into custody, and incarcerated in grossly disproportionate numbers. Native American children regularly are locked in jails on reservations. Physically and mentally handicapped children have few programs in local communities or state institutions which meet their special educational and other needs.

#### THE ROLE OF YOUTH ADVOCACY PROGRAMS

Advocacy simply means speaking on behalf of those who cannot speak for themselves. Advocates for children are unique in that they represent this nation's most helpless population. Unlike other groups who could represent themselves, children are inherently disenfranchised and politically powerless.

Government-sponsored juvenile advocacy programs have made major changes in significant areas of the juvenile justice system. Under the sponsorship of the Office of Juvenile Justice and Delinquency Prevention, local and multi-state advocacy programs have worked with public officials and community groups to develop and implement local solutions to local problems. Programs supported by the Office have provided basic technical assistance and information on everything from methods of dealing with chronic offenders to architectural plans for multi-purpose detention facilities, to restitution programs paying victims of juvenile crimes, to analysis of existing and proposed juvenile codes.

Throughout the nation federally supported juvenile advocates have worked with state public officials, as well as officials in cities, towns, and outlying communities. They have developed new models for service to youth and have helped to provide juvenile services of a scale and quality previously unknown in this country. They have served as catalysts in many communities, supporting and enhancing the efforts of elected officials and traditional agencies. And they have served as a critical "safety valve" channeling the energies of frustrated law enforcement personnel, public officials, children's rights advocates, and community workers into productive plans and programs.

Two examples of the types of programs funded through the Office of Juvenile Justice and Delinquency Prevention which have made a difference are the Juvenile Justice Legal Advocacy Project of the San Francisco-based Youth Law Center and the National Juvenile Law Center in St. Louis, Missouri. The Juvenile Justice Legal Advocacy Project has seven attorneys who provide legal advice and assistance to public officials, attorneys, community groups, and other children's advocates. Project attorneys work primarily in Arizona, Colorado, New Mexico, North Carolina, Oregon, Utah, and Washington. They also have provided technical assistance to individuals and agencies in New York, Rhode Island, Florida, Maine, Montana, Idaho, Ohio, and California.

Project attorneys have been instrumental in helping Utah officials persuade rural communities to stop locking up children in adult jails. They have helped New Mexico officials comply with state and federal laws in state training schools. They have assisted the legislatures of Washington, Oregon, and New Mexico by preparing extensive analyses of existing and proposed provisions of the Juvenile Code. They have gone into court to protect the rights of children confined in dismal and dangerous institutions in Colorado, North Carolina, Utah, and Washington. In Arizona, they are working with Native American tribes to develop and modify juvenile codes used on reservations. They have prepared law review articles, manuals, and monographs on the rights of juveniles in jail, conditions of juvenile confinement, litigation in the juvenile justice system, and the legal rights of children in the United States.

The National Juvenile Law Center hosted a national legislative advocacy conference that brought together approximately 300 persons including state teams of legislators, citizen advocates, and judges. Some 35 states were represented. A detailed legislative manual supplemented conference presentations on all major juvenile justice issues and on how state legislatures have addressed them. The conference gave citizen advocates the opportunity to meet legislators, judges, and others in key positions. And it made juvenile justice an issue of higher concern to state legislatures.

The New Hampshire Attorney General's office and the New Hampshire Federation of Youth Services requested that the National Juvenile Law Center staff evaluate that state's training school. The subsequent on site evaluation and report disclosed deplorable conditions and practices. As a direct result, the state closed one cottage. The study heightened state officials' awareness of the need for systemic reform.

In Iowa, a similar coalition of local citizens, juvenile advocates, and elected officials implemented an alternative to detaining children in the Scott County jail. As the result of successful litigation, the county board of supervisors was ordered to create a juvenile detention facility. A citizen advisory committee was created to recommend alternatives. This committee requested the help of the National Juvenile Law Center and its consultants. These combined efforts resulted in a juvenile justice needs assessment, construction of a five-bed juvenile facility, and detention screening procedures to ensure that children are not detained too often. The Scott County detention program was presented as a model to judges, legislators, and sheriffs at a recent statewide conference.

These are examples of the work of only two organizations funded through the Office of Juvenile Justice Delinquency Prevention. Similar interactions are repeated daily between local advocates and state personnel and among state officials, local advocates, and regional advocacy programs. The tangible results of this juvenile

advocacy are broad-based re-direction of resources and the creation of family counseling programs, community-based group homes for status offenders and neglected children, and crisis intervention programs. Further, the effectiveness of such an advocacy network often reduces the need for time-consuming, costly litigation. Litigation is necessary, however, where other interventions fail and where unlawful practices are pervasive and endanger the safety and welfare of children. These juvenile advocates are vital. They are a source of expertise and a necessary catalyst for improvement of juvenile justice systems.

#### LONG-TERM COMMITMENT TO RESOLVING THE PROBLEMS OF THE JUVENILE JUSTICE SYSTEM

Resolving the problems of the juvenile justice system requires years of work on the part of public officials, community groups, and children's advocates. As a first step, state and local public officials and members of the community must have information on these problems. This information they can then use to change perceptions of and attitudes toward children who become involved with the courts. Public financial incentives must stimulate local and private sources of funding for basic services and innovative programs. Effective advocacy groups must work on the local, state, and national levels to provide technical assistance and to monitor programs.

Congressional reauthorization of the Juvenile Justice and Delinquency Prevention Act in 1980 signifies that the nation's troubled youth and families continue to be of the highest national concern. Reauthorization is a recognition that the problems which plague the juvenile justice system cannot be cured easily and that a continued federal commitment is necessary to complete a comprehensive national strategy. Innovation, communication, and expertise are the hallmarks of advocacy and are essential components of this national strategy.

As the 1980 amendments to this act reflect, the juvenile system must increase its emphasis on solving the problem of juveniles who commit serious crimes. The amendments also express a Congressional policy of assisting state and local governments to concentrate resources on strengthening the family unit.

The dismal history of our juvenile justice systems prior to 1974 contrasts with the substantial changes effected since Congress declared children to be our highest national priority. The full potential of the Juvenile Justice and Delinquency Prevention Act, however, is not yet realized. It would be irresponsible to assume that remaining problems can be solved if the federal government abandons its commitment to juvenile justice.

#### PREPARED STATEMENT OF A. L. CARLISLE, CHAIRMAN OF THE NATIONAL STEERING COMMITTEE OF STATE JUVENILE JUSTICE ADVISORY GROUPS, CHAIRMAN OF THE NORTHEAST COALITION OF STATE, JUVENILE JUSTICE ADVISORY GROUPS,<sup>1</sup> CHAIRMAN OF THE MAINE JUVENILE JUSTICE ADVISORY GROUP<sup>2</sup>

The Juvenile Justice and Delinquency Prevention Act represents an attempt on the part of Congress to provide leadership and assistance to states, local government, and private agencies to develop and implement effective programs for the prevention and treatment of juvenile delinquency. The Office of Juvenile Justice and Delinquency Prevention, established within the Department of Justice under the general authority of the Attorney General, assumes the primary responsibility for implementing this Federal assistance, as well as for the coordination of Federal resources and policies.

The concern by Congress regarding juvenile delinquency became evident with the enactment of the Juvenile Delinquency and Youth Offenses Control Act in 1961, the purpose of which was to assist state and local governments in addressing the problem of juvenile delinquency. Further recognition that the Federal government had an important role to play in supplying the resources needed to combat delinquency and the leadership required to ensure coordination and cooperation at all levels was demonstrated by enactment of the Juvenile Justice and Delinquency Prevention Act on 1974. Title I of the Act includes the following statement:

<sup>1</sup> The Northeast Coalition of State Juvenile Justice Advisory Groups supports the prepared testimony by A. L. Carlisle.

<sup>2</sup> The Maine Juvenile Justice Advisory Group supports the prepared testimony by A. L. Carlisle, which is herein included. Also included is the Maine Juvenile Justice Advisory Group's impact statement which assesses the impact of the Juvenile Justice and Delinquency Prevention Act on the Juvenile Justice System in Maine, accomplishments under the act, and the impact on current efforts if the Juvenile Justice and Delinquency Prevention Act is not continued as reauthorized in 1980.



Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency. (Title I, Sec. 101(b))

The comprehensive action suggested by the Congress is detailed in the Juvenile Justice and Delinquency Prevention Act of 1974, as reauthorized in December, 1980. The Act provides for a strong, clearly defined, results-oriented program based on a partnership between the federal, state and local government. The intent of the Act is to develop and implement effective methods of preventing and reducing juvenile delinquency, including those which maintain and strengthen the family unit so that juveniles may be retained in their homes, to divert juveniles from the traditional juvenile justice system, to provide alternatives to institutionalization, to coordinate and plan for juvenile justice activities at the state level, to improve the juvenile justice system, to increase the capacity of state and local government and public and private agencies to conduct effective juvenile justice, delinquency prevention and rehabilitation programs. The Act mandates deinstitutionalization of status and non-offenders, separation of juveniles and adult offenders, monitoring for compliance with deinstitutionalization and separation and the complete removal of juveniles from adult jails by December 1980. The Act also mandates that 66 2/3 percent of Juvenile Justice and Delinquency Prevention funds be passed on to local units of government and that not less than 75 percent be used for advanced techniques in developing, maintaining and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community based alternatives to confinement in secure detention and correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, to establish and adopt juvenile justice standards and to provide programs for juveniles who have committed serious crimes.

The Act has served as an incentive to states to improve their juvenile justice systems. While Juvenile Justice and Delinquency Prevention funds have always been but a fraction of the total system costs, they have, nonetheless, served as a catalyst to increase both the efforts and resources devoted to improving juvenile justice systems within the states.

The Act, funded and administered as reauthorized, provides an example of an effective national, state and local partnership. The Federal government assists state and local units of government in addressing the problems of juvenile delinquency by providing leadership, by setting standards and by appropriating money to improve the juvenile justice system. In particular, the Office of Juvenile Justice and Delinquency Prevention, among other activities, develops guidelines, gathers data, disseminates information and provides and/or makes available technical assistance to the states to assist them in fulfilling the intent of the Act.

Each state which elects to participate in the Act must have a State Advisory Group, the 15 to 33 members of which are appointed by the Governor because of their experience and expertise to juvenile justice. State Advisory Group members represent units of local government, law enforcement and juvenile justice agencies, including corrections and probation personnel and juvenile court judges, public agencies and private organizations concerned with delinquency prevention or treatment, such as social services, mental health and education, community-based delinquency prevention or treatment programs, businesses employing youth, youth workers, locally-elected officials, those with experience in dealing with the problems of school violence and vandalism and of learning disabilities. In addition, one-fifth of the members of the State Advisory Groups must be under the age of 24, and three must have been or shall currently be under the jurisdiction of the juvenile justice system. A majority of the members including the Chairman shall not be full-time employees of the Federal, state or local government.

State Advisory Groups are an effective force in helping to shape opinion and policy to implement the intent of the Act. State Advisory Groups are involved in developing comprehensive state juvenile justice plans based on state and local needs. They also play an important role in coordinating juvenile justice and delinquency prevention and related programs to ensure efficient delivery of juvenile justice services within each state. With state wide representation, State Advisory Groups provide an ongoing forum for the exchange of information on juvenile justice issues and promote and initiate cooperative efforts among community-based agencies and state agencies dealing with youth. In addition, State Advisory Groups advise their Governors and Legislatures on matters relating to juvenile justice.

The Juvenile Justice and Delinquency Prevention Act requires the participation of citizens through State Advisory Groups in fulfilling its mandates. Such citizen



involvement ensures that decisions regarding juvenile justice are made with state and local needs, priorities and resources in mind. The bulk of the money appropriated for the Juvenile Justice and Delinquency Prevention Act is returned to the states, which determine how that money is to be spent.

The Act also provides for a coordinated effort on the part of all those agencies which deal with juvenile at both the Federal and state level. With ever-diminishing resources, coordination of remaining resources becomes ever more imperative. The Coordinating Council on Juvenile Justice and Delinquency Prevention at the Federal level and the recent amendment which provides for a similar mechanism at the state level are important components of the Act.

The Juvenile Justice of Delinquency Prevention Act has led to programs toward a more humane and more rational approach to juvenile justice. It has provided a focus for local, state and Federal commitments to juvenile justice issues. It has provided a planning capability within state governments on juvenile justice issues and has encouraged a dialogue among factors which have all too often immobilized the system through lack of communication. It has encouraged policy changes at both state and local levels regarding deinstitutionalization of status and non-offenders and separation of juveniles from adults in secure facilities, and has encouraged the development of community based prevention, diversion and treatment programs, as well as the participation of voluntary agencies and citizens. The Juvenile Justice and Delinquency Prevention Act has exerted great influence on systems planning, on developing a range of services for juveniles resulting in the prevention of entry into the juvenile justice system, on the ability of communities to offer alternatives outside the juvenile justice framework, on expanding the expertise and resources of communities to deal with their own problems of juvenile delinquency. Use of the "least restrictive alternative" has been encouraged in an effort to maintain juveniles within their own families and/or communities whenever possible. The problem of the serious violent juvenile offender has been recognized, and programs which deal with the needs of both the offender and the community continue to be developed.

Elimination of the Juvenile Justice and Delinquency Prevention Program will severely jeopardize or even curtail states' abilities to maintain and improve juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation and research. The Office of Juvenile Justice and Delinquency Prevention is the only federal agency which focuses on and provides assistance in combatting juvenile delinquency.

The Juvenile Justice and Delinquency Prevention Program is a criminal justice program and is, therefore, properly located within the Department of Justice. To include juvenile justice as one of many programs within a block grant to be administered by the Department of Health and Human Services would result in virtual elimination of both focus on and funding of juvenile justice activities. The Juvenile Justice program was originally located within and administered by the Department of Health, Education and Welfare, which proved so ineffective that it was moved to the Department of Justice. There is no reason to believe that a shift back to the Department of Health and Human Services would prove any more effective at this time.

In order to continue the progress already made at the local, state and national level and in order to develop more effective ways of combatting and preventing juvenile delinquency, it is essential that the Juvenile Justice and Delinquency Prevention Act be continued as reauthorized.

State Advisory Groups stand ready to assist in any way possible in what must be a concerted effort on the part of all citizens and all levels of government to address the serious problem of juvenile delinquency.

## JUVENILE JUSTICE IMPACT STATEMENT

### THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

The Federal government does have an important role in assisting states and local units of government in addressing the problems of juvenile crime. This role is one of leadership and standard setting to foster planning and program development in the juvenile justice area at the state and local level. Juvenile Justice and Delinquency Prevention (JJDP) funds have always been but a fraction of total system costs, but they have, nonetheless, provided incentive for change. Elimination of the Juvenile Justice and Delinquency Prevention program will remove the only effective means of ensuring continuing juvenile justice system improvements in the State.

The Juvenile Justice and Delinquency Prevention Act (JJPA) of 1974, as reauthorized in December 1980, provides for a strong, clearly defined, results-oriented program based on a partnership between the federal, state and local government.

The intent of the Act is to develop and implement effective methods of preventing and reducing juvenile delinquency including those which maintain and strengthen the family unit so that juveniles may be retained in their homes, to divert juveniles from the traditional juvenile system, to provide alternatives to institutionalization; to coordinate and plan for juvenile justice activities at the state level to improve the juvenile justice system, to increase the capacity of state and local government and public and private agencies to conduct effective juvenile justice, delinquency prevention and rehabilitation programs. The Act mandates deinstitutionalization of status and non-offenders, separation of juveniles and adult offenders, monitoring of compliance with deinstitutionalization, and separation and the complete removal of juveniles from adult jails (by December 1985). The Act also mandates that 66 2/3 percent of juvenile justice and delinquency prevention funds be passed on to local units of government and that not less than 75 percent be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to confinement in secure detention and correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, to establish and adopt juvenile justice standards and to provide programs for juveniles who have committed serious crimes.

#### ASSESSMENT OF THE IMPACT OF THE JJDPa ON THE JUVENILE JUSTICE SYSTEM IN MAINE

Since 1975, LEAA/OJJDP has granted a total of \$1,987,000 to Maine for activities designed to deinstitutionalize status and non-offenders, separate juvenile and adult offenders and monitor compliance with the above mandates, as well as to provide special emphasis to advanced techniques in order to prevent delinquency and to improve the system's response to juvenile offenders.

Maine has, to date, demonstrated substantial compliance with these mandates and has achieved significant results. JJDP funds have served as a necessary catalyst to effect major system improvements. It is unlikely that significant changes would have occurred in the juvenile justice system in Maine without JJDP funds.

Prior to the receipt of federal juvenile justice funds, the Boys' Training Center (now the Maine Youth Center) was the primary facility for holding juveniles, mixing both status and non-offenders with criminal offenders. Jails had no capability for separating adults and juveniles since, initial participation in the JJDPa, the number of status<sup>1</sup> and non-offenders<sup>2</sup> detained in juvenile detention or correctional facilities (county jails, municipal lock-ups, and Maine Youth Center) has declined from 37 to 7. In 1980, Maine demonstrated substantial compliance, with de minimis exceptions, and maintains an unequivocal commitment to continuing compliance.

Substantial progress has also been made in ensuring that juveniles are not detained or confined in any institution in which there is regular sight and sound contact with adult offenders. At the time of initial participation in the JJDPa, there were 1,186 juvenile offenders and non-offenders held with adult criminal offenders in facilities lacking adequate sight and sound separation. In 1974, there were no completely approved secure detention facilities but currently all county jails detaining juveniles are approved facilities. In addition, Maine has funded group homes and emergency facilities to serve as alternative to detention in county jails and in juvenile/correctional facilities. Maine's Juvenile Justice Advisory Group (JJAG) the only State Advisory Group in the country actively involved in monitoring, with a view toward developing alternatives to detention, is concentrating on developing an adequate system of monitoring jails, municipal lock-ups and juvenile detention and correctional facilities to comply with State and Federal standards.

In addition to Maine's accomplishments initiated by the specific mandates of the JJDPa, the Act served as an incentive to the massive revision of the Juvenile Code and to other laws pertaining to juveniles. The Act also provided the stimulus to place special emphasis on demonstration programs which are designed to prevent delinquency, provide alternatives to incarceration, and make improvements in the juvenile justice system. Juveniles are disproportionately represented in both the arrest population and the population of those arrested for index crimes. In 1979, juveniles accounted for 48 percent of all persons arrested for index crimes while they represented only 31 percent of the total population and only 27 percent of all arrests statewide. Due to the high incidence of juvenile arrests, the JJAG has targeted efforts and financial resources in the area of primary prevention to address conditions in the community which contribute to juvenile delinquency. Currently,

<sup>1</sup> Status offenders—juveniles charged with or who have committed offenses that would not be criminal if committed by an adult.

<sup>2</sup> Non-offenders—dependent or neglected children.

primary prevention projects are operating in Washington County, Bangor and Lewiston-Auburn. There is also a statewide Delinquency Prevention and Training and Technical Assistance Project to assist local delinquency prevention efforts and to implement a long-range, statewide prevention strategy to combat juvenile delinquency. JJDP funds have also supported in-state and out-of-state training for juvenile justice system personnel (law enforcement, intake, probation and parole, judiciary, etc.) to improve the overall juvenile justice system and to ensure coordination of the various components of the juvenile justice system. In addition, juvenile justice funds have provided the staffing capability for the legislatively mandated Committee to Monitor the Juvenile Code, whose function is to review and evaluate the operation and implementation of the recently revised Code. Maine continues to focus on developing a range of community-based residential and non-residential alternatives for juveniles in an attempt to reduce the large number of commitments to MYC.

#### PAST ACCOMPLISHMENTS

In the area of juvenile justice, Maine has accomplished the following through the financial assistance of the JJDP and LEAA's maintenance-of-effort funds.

1 Established JJAG as a viable policy-making, advocacy group for juvenile justice activities in Maine (Executive Order, 10/5/79);

2 Developed the system of juvenile residential facilities for long term, intermediate and emergency placements to serve as alternatives to incarceration at MYC and/or detention in county jails or municipal police lock-ups (started 17 residential treatment centers, group homes and emergency shelters, foster care programs);

3 Established youth aid bureaus and police/school liaison programs in 29 Maine communities;

4 Initiated demonstration delinquency prevention and diversion programs, such as youth service bureaus, recreation programs, YWCA intervention programs, Big Brother/Big Sister programs, alternative education and school-based programs, wilderness programs, early identification of pre-delinquents programs, restitution programs, 24-hour crisis intervention hotlines and counseling programs;

5 Provided specialized juvenile justice training, in both in-state and out-of-state, for juvenile justice officers, intake workers, probation and parole workers and community-based agencies (co-sponsored Juvenile Justice Institute offered in March, 1981 at Maine Criminal Justice Academy, sponsored Probation and Parole and Intake training in 1980);

6 Initiated four primary prevention projects and a statewide delinquency prevention strategy (Maine is a national leader in delinquency prevention);

7 Provided emergency support services for Juvenile Intake and Probation and Parole workers;

8 Provided and/or secured in-state and out-of-state technical assistance to improve the effectiveness of juvenile justice programs and system efforts;

9 Provided support for the Corrections Management Information System and the Intake Information System;

10 Was instrumental in the revision of Maine's Juvenile Code and the related statutes pertaining to juveniles (Maine's Juvenile Code is a national example);

11 Provided support for the legislatively mandated Commission to Revise the Juvenile Statutes, Criminal Law Advisory Commission, and Committee to Monitor the Juvenile Code;

12 Provided support for United Way of Greater Portland's Substitute Care Task Force and for the Blaine House Conference on Families;

13 Was instrumental in designing the Children and Youth Services Planning Project (CYSPP) which examined all youth service systems and the status of children and youth in Maine; and

14 Provided support for an inter-agency mechanism, the Interdepartmental Coordination Committee (Department of Educational and Cultural Services (DECS), Department of Mental Health and Corrections (DMHC), and Department of Human Services (DHS)), to coordinate youth services.

#### CURRENT EFFORTS THREATENED BY LOSS OF JJDP FUNDS

1 Potential loss of the JJAG, the only statewide, policy-making group advocating for an improved juvenile justice system and for the juveniles within that system. The JJAG currently consists of 30 citizens, appointed by the Governor for their experience and expertise in and commitment to working with juveniles. The JJAG has the capability and responsibility for planning, oversight and coordination of juvenile justice efforts, and it serves as a catalyst for juvenile justice system change. The JJAG provides an ongoing forum for the exchange of information on juvenile

justice issues and promotes and initiates cooperative efforts among youth community based agencies and state agencies. Both current and proposed legislation requires JJAG involvement on various state committees. The development of a comprehensive state juvenile justice plan is based on local and state needs, through the involvement of citizens and professionals from around the state (\$15,750 is currently programmed for JJAG activities).

2. Loss of \$313,000 in JJDP funds would threaten the following activities.

a. Development and coordination of a range of community-based alternatives to incarceration for juveniles (\$93,000 is currently programmed for continuation of emergency shelters/foster care and group care programs).

b. Continuation and development of primary prevention activities to combat delinquency (an area in which Maine is a national leader). (\$160,000 is currently programmed for four delinquency prevention projects and for an evaluation of their effectiveness in combating delinquency).

c. Continuation of a mechanism for intensive monitoring, on a regular basis, of all detention facilities which house juveniles and current efforts to reduce inappropriate detentions of juveniles (\$10,000 is currently programmed for monitoring efforts).

d. Continuation of staffing capability for legislatively mandated Committee to Monitor the Juvenile Code (\$25,000 is programmed for continuation of staff).

e. Provision for specialized training in the juvenile justice area for juvenile police officers, intake workers, probation and parole officers, attorneys, judges, and community-based agencies (\$15,625 is currently programmed for training).

f. Joint collaborative efforts with other state agencies (SETC, CETA, DECS, OADAP, Sheriffs' Association) in the areas of youth employment, school-based delinquency prevention, drug and alcohol abuse prevention, and law focused education.

3. Loss of State Juvenile Justice Planning and Evaluation Capability to impact juvenile justice system needs. The Juvenile Justice Plan is the only comprehensive state plan in the juvenile justice area. The Plan includes a detailed study and assessment of the needs of the juvenile justice system, including juvenile crime analysis, problem identification and program development.

4. Staff, funded under the Act, is responsible for ensuring Maine's compliance with the mandates of the Act, developing and implementing the Plan in coordination with appropriate others, accessing and providing technical assistance, providing or making training available to juvenile justice system personnel, representing and advocating for juvenile justice issues (\$23,625 is allocated for administrative purposes, based on 7 1/2 percent of the total state award and which must be matched by the state on a dollar-for-dollar basis).

### PART 3 - CORRESPONDENCE FROM ORGANIZATIONS AND ASSOCIATIONS

BIG BROTHERS/BIG SISTERS OF AMERICA,  
Philadelphia, Pa. March 24, 1981.

Senator ARLEN SPECTER,

Russell Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: As Chairman of the Juvenile Justice Subcommittee, you are well aware that President Reagan's proposed budget has totally eliminated funding for the OJJDP. The relevant budget narrative indicates that, "the Administration believes that services currently authorized in programs of OJJDP can be provided under the broader authorities of programs proposed for consolidation into a social service block grant." (and) proposes that these activities be carried out by the States in the context of the block grant." That position is clearly in line with the Administration's tact of returning the decision-making power to local (i.e., State and County) authorities.

The cruel reality is that there are no funds "allocated" in the Senate Budget Committee's "allocation" to your Subcommittee, indicating to your Committee the low priority your considerations are expected to place upon OJJDP programs. Any remote possibility for a fair and equitable hearing on a considered shift of dollars to the OJJDP category are minimized by their suggested guidelines to you. Furthermore, should you and your colleagues recognize and concur on the cost-effectiveness of community-based programs funded by OJJDP, any funding would then have to be deducted from line allocation to other major Federal services. Your Subcommittee is in a most unenviable position, a classic no-win dilemma.

But the situation is really rather basic. The Federal government either eliminate basic, proven, cost effective community services that prevent a child's involvement in the juvenile justice system, at a yearly cost of \$150 per child (as in the BB/BS prevention model), or by eliminating alternatives, they allow the child to progress through the justice system and through residential detention programs that rou-

tinely cost taxpayers \$10,000 per year, per child. Reminds one of the old saying, "You pay me now, or you pay me later." It couldn't be truer here.

Senator, you know the arguments, I'm sure. I could recite you cost-effectiveness studies ad infinitum, but the present reality is clear, that monies being allocated to other Justice programs are allocated to those investigating, apprehending, trying, and detaining offenders who at some point earlier in their lives may have benefitted from the community based options that OJJDP has funded in recent years. In other words, we are "paying" now for not having "paid" earlier.

The aforementioned process from investigation through detention is a critical and sorely needed component of our justice system, particularly at a time when our nation is so obsessed by the fear of crime. But the value of OJJDP programs are equally proven, financially and statistically. Your considered judgment of these programs, and the critical function they maintain in a system where 52 percent of all crime is committed by youths under 18 is equally demanding.

Even recognizing the demands on your time and attention, may I respectfully request your response to this concern?

I thank you for your time.

Sincerely,

LEE DANEY, M. Ed.,  
Agency Fund Development Manager.

YOUTH SERVICES CENTER,  
Murray, Utah, March 24, 1981.

Senator ARLEN SPECTER,  
Chairperson, Subcommittee on Juvenile Justice,  
Russell Senate Office Building, Washington, D.C.

DEAR SENATOR As vice chairman of the Utah State Advisory Group, I am writing to express written testimony, as per your request I strongly support continuation of OJJDP and the Juvenile Justice Program, as reauthorized. Juvenile Justice is a Criminal Justice Program and not a Social Services Program, as such, and, therefore, I feel that it is appropriately placed in the Department of Justice. Nevertheless, I am aware of the momentum toward the dissolution of OJJDP and of the block grant proposal on Juvenile Justice in the states. My major concern is the need for advisory boards, such as ours, to be able to track how much Juvenile Justice money is in the block grant so that we can have impact on funneling it to the proper programs. We are certainly not opposed to advocating on the state level for those monies to remain in the area of diversion, delinquency prevention, and treatment of juveniles, but we are concerned that some earmarking occurs to assist us in that task.

Utah has made great strides in providing effective and timely intervention in the area of Juvenile Justice and Delinquency Prevention primarily because of our State's participation in the J.D. Act. We have seen dramatic success in eliminating status offenders from institutional treatment and preventing escalation of delinquent behavior. A cutback in funds would severely impede this progress and result, I am afraid, in grave consequences, both to human life and the taxpayer.

Your assistance in assuring continuity in the area of Juvenile Justice and Delinquency Prevention is most appreciated.

Sincerely,

LAMAR EYRE, Director.

To: The Honorable Arlen Specter.  
From: Chauncey A. Alexander, Executive Director, National Association of Social Workers, Inc., Washington, D.C.

MARCH 25, 1981.

"The Juvenile Justice Amendments of 1980", originally approved in 1974 as the Juvenile Justice and Delinquency act is a landmark piece of legislation which was overwhelmingly supported by both the House of Representatives and the U.S. Senate. Under the administration of the Office of Juvenile Justice and Delinquency Prevention, this act is the only federal mandate which specifically addresses the concerns of youths in trouble.

As such OJJDP should be an autonomous office and maintained at the recommended level of appropriations approved in the amendments of 1980. Merging this program into a block grant, as President Reagan wants, is unnecessary because it is largely a block grant already and operates at high efficiency.



The Office of Juvenile Justice and Delinquency Prevention, with its small staff, has successfully implemented juvenile justice formula grants through block grants to the states which participate in the Act. A majority of the states have achieved compliance with the two main principles of the act—the deinstitutionalization of status and non-offenders and the separation of juveniles from adults in jails. The Administration's proposal would eliminate the incentive for states to work toward these goals.

In the development of overall juvenile delinquency policy, OJJDP has exemplified its functional ability to coordinate national strategies through its unified efforts with the National Advisory Committee on Juvenile Justice and Delinquency Prevention (NAC), State Advisory Groups (SAG's) and the Federal Coordinating Council on Juvenile Justice which represents ten heads of key federal agencies/departments which oversee programs directly affecting juveniles. Recent policy development gives additional attention to the problem of juveniles who commit serious crimes and far advanced techniques, which supports programs that exhibit success and creativity in the development, maintenance and prevention of juvenile delinquency.

AMERICAN CORRECTIONAL ASSOCIATION,  
College Park, Md. March 26, 1981.

Hon. ARLEN SPECTER,

Chairman, Juvenile Justice Subcommittee, Committee on the Judiciary,  
Russell Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: It is our understanding that the Juvenile Justice Subcommittee will hold hearings on April 1 1981 concerning the President's revised budget submitted to Congress on March 10, 1981. The President recommends the elimination of all funding for the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

President Carter recommended \$134 million for OJJDP for fiscal year 1981. Eliminating funding for juvenile justice and dismantling the OJJDP will increase juvenile crime and violence at a time when crime is already epidemic. The Attorney General on the one hand is beginning to concentrate on violent crime, adult and juvenile, and the President's budget de-emphasizes it. Such contradictions do not appear to make sense to the public.

As the national voice of professional corrections, we urge you to override the President's request and restore adequate fiscal year 1982 funds for an independent OJJDP.

Peace,

ANTHONY P. TRAVISANO,  
Executive Director.

RENAISSANCE,  
Alexandria, La., March 26, 1981.

Hon. ARLEN SPECTER,

Russell Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: As executive director of Renaissance, a juvenile detention and rehabilitation facility I strongly urge your support of continued Juvenile Justice and Delinquency Prevention (JJDP) funding. Specifically, I urge you to support JJDP funding within the Justice Department at least at the current funding level.

The reasons why I urge you to support continued JJDP funding within the Justice Department are as follows.

1. Crime and delinquency are a major concern among the American people. The crime problem is expensive both in terms of money and victims of crime. There are no easy solutions.
2. It is less expensive to prevent delinquency than to confront the crime problem after the fact. Prison officials can attest to this fact.
3. JJDP has traditionally received bipartisan support.
4. JJDP programs have, for example, reduced school vandalism which has in turn reduced insurance premiums of these schools. This type of approach is rational and cost effective.
5. JJDP funding could be targeted to specific juvenile justice needs. What will happen to the juvenile who has begun to develop a trend toward violent offenses if preventative intervention is no longer an alternative?
6. JJDP funds are targeted to the problem. This includes the actual direct supervised care and treatment of juvenile offenders.



7 JJDP funds are subject to evaluation and planning to increase cost effectiveness and appropriate (to the problem) use.

8 A vacuum will be created in the juvenile justice system if JJDP is not funded. The cost of this vacuum should be considered.

9 There is no assurance that local governments will apply funds to the problem if JJDP funds are lumped together with other assorted social services programs.

10 Juvenile and family court judges have gone on record as supporting continuation of JJDP funding.

I want to stress that I am not, nor are most of my juvenile justice colleagues, "idealistic bleeding hearts" that believe that there are no bad kids. I see myself, and my colleagues, as pragmatic people in the trenches dealing with a major social problem which we didn't cause and that isn't likely to evaporate.

The bottom line in my request for your support of JJDP is to not take away this valuable tool for the juvenile justice system unless there is a better alternative to replace it with. Again, the vacuum or the alternate is very likely to be far more expensive.

Sincerely,

ROBERT J. TILLIE,  
Executive Director.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION  
ADVISORY GROUP (JJDPAG) OF VERMONT,  
Montpelier, Vt.; March 27, 1981.

HON ARLEN SPECTER,  
Committee on the Judiciary, Subcommittee on Juvenile Justice,  
U.S. Senate, Washington, D.C.

DEAR SENATOR SPECTER. It is our understanding the President proposed that no program funds be appropriated to the Office of Juvenile Justice and Delinquency Prevention of Fiscal Year, 1982, instead, that a limited amount of funds may be combined into a block grant along with thirty-one other categorical programs. While it is too soon to tell precisely what impact this would have on the State level, we have a very strong sense that juvenile delinquency prevention and juvenile justice efforts would be lost in the process.

The anticipated impact of the elimination of funds to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in fiscal year 1982 will result in the elimination of the following efforts in the State of Vermont:

*Juvenile delinquency prevention.*—The juvenile justice unit of the Vermont Commission on the Administration of Justice (VCAJ) is the only entity in the State conducting a systematic and concerted effort to prevent and reduce juvenile delinquency. Over the past year, the VCAJ has relied on national research to promote effective strategies for delinquency prevention. The result of this effort has been the funding of projects within schools which have had a marked effect on reducing by approximately 80 percent school disciplinary problems and subsequent school suspensions and expulsions. School vandalism and truancy has also been reduced. With the loss of between \$75,000 and \$125,000 per year for this purpose, it is highly unlikely that local school systems and communities will be able to institute similar changes that have made such a difference. It is too early as yet for these efforts to have gained the notoriety necessary to compete with others for needed funds. The more that young people are prevented from getting into trouble, the less money will have to be spent on the post-adjudicatory end of the system. Cutting these funds would be inconsistent with the President's effort on reducing serious crime.

*Improving the effectiveness of the State's juvenile services system for adjudicated youth.*—JJDP funds have been used to successfully fill gaps in the State's new juvenile services system through the Department of Social and Rehabilitation Services. Between \$75,000 and \$125,000 is allocated each year to juvenile services system improvement, developing program models which for those that prove successful lead to the redistribution of SRS resources to yield increased effectiveness. For example, without JJDP funds, the State would not have been able to obtain the turn-around funds necessary to close Weeks School (juvenile institution) and set up a community based system of services in its place, to establish a network of alternative detention placements, establish the one-to-one intensive supervision program as an alternative to secure detention. Additional funds are needed to improve the effectiveness of the group home network, the foster care system, emergency crisis intervention, to develop inexpensive programs to maintain juveniles in their own homes, and to assist youth in independent living.

*Monitoring the deinstitutionalization of status offenders mandate.*—The VCAJ juvenile justice unit monitors the state for compliance with the JJDP Act of 1974

regarding the inappropriate use of secure detention for status offenders. With the elimination of \$16,575 in federal funds for juvenile justice administration, the law would still be in effect but without a monitoring capability. Status offenders would continue to be locked up in secure facilities. Separation or removal of adults and juveniles in correctional facilities will not be affected because State law prohibits such practices. However, the National Coalition of Jail Reform has called for the removal of all children under 18 years old from adult jails and lockups. This is a huge problem in Vermont as this state has the third largest percentage of under 18-year-olds in adult correctional facilities per population. JJDP funds are necessary to combat this problem.

*Provision of juvenile defense services to protect juvenile rights under the law.*— Post adjudicatory juvenile defense services through the Office of the Defender General as required by State law will be severely curtailed or eliminated. Approximately \$30,000 per year has been provided by JJDP for this function.

*Court appointed guardian ad litem.*— A consistent and effective statewide guardian ad litem program for the juvenile court, as required by a combination of State law and case precedent—will not be completed.

*Juvenile diversion programs.* Extension to the rest of the State of the very effective juvenile diversion program, started by the VCAJ, will not be assured.

*Needed revision of the Vermont juvenile code.*— Piecemeal approaches to the revision of Title 33 of the Vermont Statutes have been attempted in the past few years by the Vermont Legislature. The Vermont JJDP Advisory Group is attempting to provide a comprehensive, systematic approach to juvenile code improvement, based upon national and state research, and model and other states codes. The JJDP Advisory Group, which also provides neutral, objective, and responsible oversight of other juvenile justice issues in the State will be eliminated.

In conclusion, the reason the JJDP Act was necessitated in the first place is because states did not give important juvenile justice concerns a high priority. In a state with such limited financial resources as ours, without such funds we would expect to see a rise in juvenile delinquency rates because the problems we have been attempting to solve would remain untouched. Please remember that with the elimination of LEAA maintenance of effort funds, states juvenile justice and delinquency prevention programs have already taken a cut of from 40-50 percent. It is important to remember that juveniles have no power base. They do not vote, therefore, it is easy for those in a position to make such decisions to ignore them.

To appropriate no funding for OJJDP whose reauthorization in 1980 sailed through the House and Senate with strong bipartisan support precisely because OJJDP was able to demonstrate the value of its programs, is contrary to the President's stated intentions. Everyone is concerned with juvenile crime. OJJDP is the one office in the Federal government, through its work on the state level, that is doing something constructive about this problem. Without this program, the country will no doubt find the juvenile crime rate will increase markedly, more young people will fill its prisons, and more funds will be required than if OJJDP were funded in the first place.

Sincerely,

PATRICIA PETERSON, *Chairperson.*

COMMISSION ON ACCREDITATION FOR CORRECTIONS,  
Rockville Md., March 27, 1981.

Hon. ARLEN SPECTER,  
*Chairman, Senate Judiciary Subcommittee on Juvenile Justice,*  
Russell Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: On behalf of the Commission on Accreditation for Corrections I would like to express our appreciation for the opportunity to present a statement of support for continuing the federal effort to initiate and sustain reform in the juvenile justice system. As you are aware, the Commission serves the two-fold purpose of developing standards for all components of corrections and administering a national accreditation program for correctional programs and facilities. Our Board of Commissioners is composed of twenty-one administrators of juvenile and adult corrections, the judiciary, and the overall criminal justice system. Our experience and expertise serve us well in speaking to the needs of the juvenile justice system.

Although our society has struggled for more than a century to develop a juvenile justice system that serves the interests of the general public, is fair to the involved juveniles and their families, and provides each juvenile with the necessary growth experiences and controls needed on an individual basis, the very diversity of current programs nationally, not to mention the varied levels of their success and success, clearly illustrates the lack of consistent leadership.

The societal dilemma that is juvenile justice is compounded by the fact that there is a "nonsystem." Not only do different jurisdictions have different terminology, processes, and remedies, they also apply them inconsistently. Generally speaking, the procedures used by the various components of juvenile justice preclude their collective effectiveness.

Given this current state of the-art, the federal thrust for reform which was articulated in the "Juvenile Justice and Delinquency Act of 1974", as amended, must continue. Without the requirements of that particular legislation, status offenders and dependent and neglected children will again be confined in secure settings in jurisdictions which abandoned the practice in order to comply, and have little hope of not being so incarcerated in the future in those jurisdictions which have for generations so confined them. Without the presence of such federal legislation, juveniles will continue to be maintained in adult jails and correctional institutions, more as a result of the lack of appropriate facilities or alternatives than as a philosophical statement by the jurisdiction's citizenry. Both practices contribute to the long accepted, and statistically founded, premise that a lack of attention to first infractions and criminal tendencies exacerbates the probability of adult criminal behavior.

Absent any federal mandate, and resources to follow it, the issues of juvenile violence and delinquency prevention will continue as "back burner" projects for state and local agencies which are concentrating on the immediate problems caused by an increase in juvenile crime. Both historically and presently, it is the very lack of methods to curb juvenile violence and to prevent first or repeat offenses that has hindered progress toward reducing juvenile crime and identifying alternative methods for effectively dealing with juvenile delinquents.

The problems for juvenile administrators do not end when the critical issues already discussed are resolved. After the status offenders and neglected and abused children are removed from juvenile corrections and placed in social service agencies for care and treatment, and successful delinquency prevention programs are identified and established, the administrator must still work to insure that the programs and services which exist for the serious juvenile offender are available to all juveniles regardless of race, sex, national origin or religion. The administrator must insure that all programs and services provide due process safeguards to maintain the basic rights of all juveniles. In addition, programs must provide the necessary array of educational, vocational, and counseling services required by juveniles for normal growth and development.

The development, promulgation and application of standards to all juvenile programs - community corrections, probation and aftercare services, detention facilities, and training schools - will serve as a catalyst for improvement and a mechanism for accountability. To the degree that the standards are responsive to new knowledge and experience, they can lead to more effective and efficient methods of assisting troubled youth.

Adult correctional administration has provided us with significant information which can and should be used in planning for juvenile corrections. Without strong leadership, more than half of all state adult corrections systems came under court order within the past two decades. In the absence of nationally-recognized operating standards, correctional history is replete with human tragedy. Minus an independent method for accountability, life health and safety hazards continue to plague offenders and correctional personnel.

Today, as a result of strong leadership by the United States Department of Justice, the American Correctional Association, and the Commission on Accreditation for Corrections, there are standards for adult and juvenile corrections. In addition there is a national, voluntary accreditation program for adult and juvenile corrections. Nevertheless, the use of the standards and the participation in the accreditation program have been primarily by adult correctional programs and services. The limited participation by juvenile corrections programs has been a result of a lack of consistent leadership at the federal level.

The successes in adult corrections have begun. Systemwide improvements have been accomplished. There is a new pride in the profession, and a pulling together to maintain the momentum for upgrading corrections nationally. However, adult corrections had to get worse before it got better. There is no need for juvenile corrections to do the same.

The initiatives to curb juvenile violence, to no longer detain juveniles in adult correctional facilities, to remove non-delinquent, dependent, neglected and abused juveniles from secure juvenile programs, to insure equal access to programs and services for all juveniles and to provide due process safeguards to all juveniles, can be expected to, at best, slow down significantly, or, at worst, stop altogether. The

majority of these initiatives were begun in local and state jurisdictions as a result of federal leadership.

Ours is not a statement of support for federal restrictions and regulations, but one for continuing federal responsibility in providing national leadership.

If we may provide additional information or assistance to you, your staff, or other subcommittee members, please do not hesitate to contact us. Again, thank you for the opportunity to present our views.

Under separate cover, we are forwarding to you copies of the standards which the Commission, in cooperation with ACA, has developed for juvenile corrections.

Sincerely,

ROBERT H. FOLEN,  
Executive Director.

YOUTH HOUSE OF OUACHITA, INC.,  
West Monroe, La., March 27, 1981.

Hon. ARLEN SPECTER,  
Russell Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: Yes, I agree! President Reagan's landslide victory clearly indicates that the American people want the government to reduce spending and cut wastes. They are tired of excessive, useless governmental red tape. Let us not confuse "his issue however and throw the baby out with the bathwater! The American people are not suggesting anarchy.

The citizens of this country, foremostly, are concerned about public safety. They are tired of being paralyzed by fear of crime each time they read a newspaper or turn on a television. They are sick of sending their children to schools where there is excessive violence. They are overwhelmed with prices which have skyrocketed as a result of shoplifting, high insurance costs, graft and vandalism.

They need confidence in the police and belief in the judiciary. The alleviation of crime must become the NUMBER ONE PRIORITY.

A disproportionate amount of crime is associated with juveniles. Delinquency is a major issue of concern to all. The newly reauthorized JJDP Act, which had bipartisan support, primarily deals with the juvenile violent offenders. It would provide a means for judges, prosecutors, and law enforcement to deal with the youth committing offenses against persons and property.

Help save JJDP. Do not lump it with the block of social services. It does not belong there. PLEASE DO NOT ABANDON THIS AREA. Remember what youth crime is doing to the constituency back home. Think about the delinquents who subsequently wind up in the unemployment lines, on welfare, in mental institutions, or in jail while the American people foot their bills and bills of their dependents. The time for changing a life style is adolescence. Let us get the problem there, before it gets us. Fund JJDP reauthorization.

Yes, Americans are concerned about spending just as the California citizenry was concerned and passed Proposition 13. But, please take time to look at that state now. Check the number of tear gas permits. Check the increased number of hand guns sold. Check the crime rate. Is this what we want for the entire country? If this reduction of public safety is magnified to all 50 states, what will the people at home be saying at the time of the next election?

No, JJDP is not the panacea; but it is a good starting point. It has personnel, offices and techniques already in gear for operation. Please give funding of JJDP your full consideration. I will be most happy to further discuss this federal program with you. Feel free to contact me if you have any questions.

Sincerely,

BERNARDINE S. FONTANA,  
Executive Director.

YOUTH SERVICES ALLIANCE OF PENNSYLVANIA,  
State College, Pa., March 30, 1981.

Hon. ARLEN SPECTER,  
U.S. Senate,  
Capitol Building, Washington, D.C.

DEAR SENATOR SPECTER: I am writing in regard to the future of the Office of Juvenile Justice and Delinquency Prevention and of funding for services for troubled youth throughout the nation. I write as the chairperson of the 46 agency Youth Services Alliance of PA which consists of small, basically non-profit agencies which work with troubled youth and families in their own communities.

OJJDP has been extremely positive and influential force in PA. Its thrust for deinstitutionalization and the separation of youth from adults in corrections, which issued forth from that august body, the U.S. Senate, has dramatically changed the focus of services in PA. In 1977 there were more than 3,000 PA youth in county jails. Two years later there were less than 30 youth in jails. It is because OJJDP has a well defined mission and separate identity, and because it has had adequate funding that this effort has been locally successful. Many other states still need great assistance and the leadership of the Federal Government in this effort. PA also needs continuing support as this is a grand experiment which takes time.

I urge you to support an adequate appropriation for OJJDP, a separate identity, a separation from the block grants, and the continuation of a leadership role in this effort.

Please contact me if I can provide more specific information or assistance.

Sincerely yours,

STEPHEN D. WARD,  
Commonwealth Chairman.

THE NATIONAL ASSOCIATION OF CRIMINAL JUSTICE PLANNERS,  
Washington, D.C., March 30, 1981.

Ms. MERRIE WHITE,  
Russell Senate Office Building,  
Washington, D.C.

DEAR Ms. WHITE. On behalf of the National Association of Criminal Justice Planners, I want to thank you for soliciting our comments on the funding cut back to the Office of Juvenile Justice and Delinquency Prevention.

I would like to begin by noting that the Association is composed of local criminal justice planners who work for cities and counties as well as line agency planners from police departments, prosecutor offices and other justice functional components. In effect our constituency represents planner who work for agencies that have the legal responsibility for responding to the crime problem regardless of whether the crime was committed by an adult or a juvenile. It is the judgment of the National Association of Criminal Justice Planners that the office of Juvenile Justice and Delinquency Prevention was preoccupied with the issue of deinstitutionalization of status offenders virtually to the exclusion of all other issues and consequently failed to establish working relationships with local justice agencies in their efforts directed at delinquency prevention and efforts at improving justice agencies capabilities to respond to the delinquency problem. The Association has yet to observe the Office of Juvenile Justice and Delinquency Prevention's addressing the problem of violent youthful offenders even though the mandate was written into its recently reauthorized legislation.

While the Association recognizes the need to do something about the problem of status offenders who get caught up in the juvenile justice process, the Association has had great difficulty in accepting the simplistic approach of the Office of Juvenile Justice and Delinquency Prevention and its reluctance to work with local governmental agencies to do something about the violent youthful offender. Because of the myopia that has afflicted the Office of Juvenile Justice and Delinquency Prevention, the National Association of Criminal Justice Planners is not prepared to advocate that any part of that Office's funding be restored.

In closing the National Association of Criminal Justice Planners would like to state that it is interested in working with the Congress in dealing with the problem of juvenile delinquency and prevention so long as those approaches acknowledge the importance of state and local governments and their agencies in dealing with the problem and that the program is balanced to reflect juvenile involvement in crime.

Thank you for your time and attention.

Sincerely,

MARK A. CUNIFF,  
Executive Director.

PENNSYLVANIA FEDERATION OF WOMEN'S CLUBS,  
Camp Hill, Pa., March 30, 1981.

Hon. ARLEN SPECTER,  
Chairman, Subcommittee on Juvenile Delinquency,  
Russell Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER. We have been informed that there is to be a public hearing regarding the Juvenile Justice and Delinquency Prevention Act. I was sorry



to learn from Barbara Fruchter, Executive Director of the Juvenile Justice Center, that you were not interested in hearing testimony from interested groups but that you would consider written comments.

The Pennsylvania Federation of Women's Clubs, with a statewide membership of 52,000 women in Pennsylvania is a member of the Juvenile Justice Center Citizens Coalition.

We appreciate the opportunity to voice our support of the Coalition because we know the value and importance of the JJDP Act and have seen the development of many good programs in delinquency prevention in Pennsylvania.

We understand that there have been no funds allocated for the Act, and would URGE that the decision be re-considered. A budget for the JJDP Act is much more cost-effective than building prisons and more institutions in the future if children do not get services.

The Office of Juvenile Justice and Delinquency Prevention should maintain its own identity in the Department of Justice as a major effort to stem crime and delinquency. There will continue to be technical assistance and leadership to our group and other statewide organizations if OJJDP is funded and kept separate.

Thank you for the opportunity to comment on such an important issue. Let us urge you to re-consider allocating funds for the JJDP Act.

Most sincerely,

Mrs. ROBERT W. FINDLEY,  
President.

READ, INC.,  
Washington, D.C., March 31, 1981.

HON. ARLIN SPECTER,  
Russell Senate Office Building,  
Washington, D.C.

DEAR SENATOR SPECTER: As the Director of a national literacy and arts program for young people in the juvenile justice system, I am writing to urge your support in maintaining the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This office, (OJJDP) has been slated for abolishment under the present budget appropriations. We urge you to consider maintaining OJJDP with a budget commensurate to its previous appropriation or less the twenty-five percent decrease suggested for all federal programs.

The maintenance of OJJDP is essential to all young people in trouble with the law for OJJDP is the primary federal agency mandated by Congress to provide services to out-of-school youth. Educational programs for these young people are essential as most of them are functionally illiterate. Because Project READ has worked with secure institutions (training schools, local detention centers, etc.) as well as alternative schools and community-based programs for troubled youth, comparative data on youth in various types of juvenile justice programs are available. The results of testing well over 10,000 youthful offenders indicate that their reading ability is at least three years below their potential and six to seven years below their grade level. These data also indicate that the most deficient readers are housed in institutions and that the national average reading level for institutionalized youth is at least one and one-half years lower than for youth in more "open" facilities. More important to recognize is that these data indicate that Project READ participants have the ability to do better than their test scores for reading indicate. In short, THEY CAN READ, BUT DON'T.

Through OJJDP supported programs, such as Project READ, these young people can be motivated to learn the skills necessary for survival in a literate society. Specifically in your home state we have provided teacher training, free paperback books and educational resources at the sites listed below. Without your support in reinstating the Office of Juvenile Justice and Delinquency Prevention, those programs will lose valuable services.

Chester County Alternative Education Program, Downingtown, Youth Development Center, Waynesburg, Youth Development Center, Cornwells Heights, Youth Development Center, Philadelphia, and Youth Resources, Inc., Harrisburg.

Thanking you for your consideration, I am

Sincerely yours,

Dr. JANET K. CARSETTI, Director.



MASSACHUSETTS HIGHER EDUCATION ASSISTANCE CORP.,  
Boston, Mass., March 31, 1981

HON. ARLEN SPECTER,  
Chairman, Subcommittee on Juvenile Justice,  
U.S. Senate, Washington D.C.

DEAR SENATOR SPECTER. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), and in particular its National Institute, have been responsible for the creation of many innovative and effective delinquency prevention approaches operated in conjunction with and through this country's school system.

I urge your Subcommittee on Juvenile Justice to maintain a role for OJJDP that continues and expands these important inter-institutional linkages between the police, the courts, juvenile justice personnel and the schools.

As a former secretary of education for the Commonwealth of Massachusetts and later as State Superintendent of Education for the State of Illinois, I have observed the correlation between lack of success and motivation in school on the one hand and anti-social, delinquent and criminal behavior on the other. Research has shown that, for many juvenile delinquents and criminals, their experiences in the schools were significant contributors to their alienated, destructive and harmful behavior.

It is through the national efforts of OJJDP that educators have come to recognize the role that schools can play in preventing delinquency. These include programs to retain delinquent and potentially delinquent youth in elementary and secondary schools and alternative learning situations, to reduce suspensions and expulsions, to prevent school violence and vandalism, and to provide quality law-related education in social studies and elective courses.

I am especially concerned about proposed plans to eliminate OJJDP and to provide funding for some juvenile justice programs through block grants to states administered through the U.S. Department of Health and Human Services. This would eliminate the important national delinquency prevention research and initiatives which, as I found as a member of the Council of Chief State School Officers, so significantly contributed to the states' awareness of and ability to deal with juvenile justice aspects pertaining to education.

Elimination of a national emphasis on juvenile justice would severely diminish OJJDP supported programs which mobilize and redirect state and local educational resources toward delinquency prevention in cost-effective ways. OJJDP funding is a catalyst to generate the use of resources many times the investment in worthwhile juvenile justice activities.

Please remember that, in the fight against juvenile crime, the schools can be the first line of prevention.

Thank you.

Sincerely yours,

Dr. JOSEPH M. CRONIN, President.

NATIONAL COUNCIL OF JEWISH WOMEN,  
New York, N.Y., March 31, 1981

STATEMENT OF THE NATIONAL COUNCIL OF JEWISH WOMEN

The National Council of Jewish Women (NCJW) is a non-profit voluntary organization composed of 180 Sections nationwide, with 100,000 members. Individual Sections initiate volunteer community services and function as social advocacy groups, both on their own and through coalitions, to improve the welfare of individuals in their communities. Since its inception 87 years ago, NCJW has been concerned with the welfare of children and youth, and since 1970 has been deeply involved in juvenile justice issues.

The National Council of Jewish Women vigorously objects to the Office of Management and Budget and Senate Budget Committee proposals to eliminate all funding for the Juvenile Justice and Delinquency Prevention program.

The elimination of the Office of Juvenile Justice and Delinquency Prevention will mean a complete setback to the progress which has been made and the positive changes which that Office has been able to accomplish in a short period of time. Since the inception of the Juvenile Justice and Delinquency Prevention Act in 1974, more than 40 states have complied with its mandate to remove status offenders from secure institutions and facilities. The Act has greatly encouraged the development of the community based services which are alternatives to institutionalization, and of citizen involvement, both in direct service and advocacy efforts. This citizen participation has encompassed grassroots, state and national organizations.

If the Office of Juvenile Justice and Delinquency Prevention is not funded, all fiscal incentives for the states to comply with the deinstitutionalization, and separation of children from adult offenders initiatives, will be eliminated. NCJW is very concerned that states will then return to the "warehousing" of children and their placement in adult jails and lock-ups, a return to the conditions which existed before 1975.

NCJW bases this evaluation on the knowledge and experience we have gained through our highly active involvement in the juvenile justice field. We were part of the widespread citizen effort to secure passage of the Juvenile Justice and Delinquency Prevention Act of 1974. We were also very active participants in the Act's reauthorization process in 1977 and 1980. In the early 1970's 165 of our local Sections surveyed the juvenile justice systems in their communities—the results of which were published in "Children Without Justice". Based on their study, these Sections have since initiated over 130 community-service projects to benefit troubled children, youth and their families.

This was followed, in 1976, by an NCJW-sponsored, LEAA-funded, National Symposium on Status Offenders. The symposium brought together NCJW members and other child advocates, juvenile justice and law enforcement personnel, and researchers in the field. Of members, who have learned about the juvenile justice system by working within it, have gone on to be appointed to State Advisory Groups, local and state commissions, or have participated in youth advocacy coalitions in over 20 states.

Most recently, NCJW's traditional concern for both women's issues and juvenile justice has been synthesized into a new priority focus: adolescent girls in the juvenile justice system. In late 1980, the Joe and Emily Lowe Foundation awarded NCJW a grant to carry out a nationwide survey of the condition and treatment of adolescent girls in this system. Preliminary information reveals that girls are treated differently by the juvenile justice system than are boys, and in that difference lies discrimination.

NCJW, as one of the few organizations which is aware of this discriminatory pattern, is therefore deeply concerned that the elimination of the funding for the Office of Juvenile Justice and Delinquency Prevention, while detrimental to all youth, will impact even more harshly upon girls than boys, representing the deterioration of an already bad situation. More young women will be placed in institutions for status offenses, because no community-based services exist, few innovative programs will be established because no money for pilot projects will be available, and girls, who in numbers represent only a minority of juvenile offenders, will continue to be forgotten by the system, and therefore will remain unserved.

NCJW deplors the unwise philosophy that would choose to save a relatively small amount of the Federal budget at an enormous future cost to society. The Office of Juvenile Justice and Delinquency Prevention, a provider of cost-efficient and short-term assistance, has proven a responsible vehicle through which to solve a specific, and ever-growing, social problem.

THE NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES, INC.,  
Washington, D.C., April 3, 1981.

Senator ARLEN SPECTER,  
Russell Office Building,  
Washington, D.C.

DEAR SENATOR SPECTER I would appreciate correcting the Congressional Record relative to a testimony presented by Robert L. Woodson, Resident Fellow, the American Enterprise Institute for Public Policy Research to the U.S. Senate Judiciary Committee, April 1, 1981. It is very perplexing that Mr. Woodson would present information to the U.S. Senate that had not been thoroughly researched.

He presented in his written testimony (page 6) a reference to a youth organization in Florida which he alluded to being "perhaps the clearest example of inefficiency, and mismanagement in the LEAA supported Florida Network of Youth and Family Services, Tampa. Here documentation was so confused it was impossible to match costs with activities. Supporting documentation was kept in a jumbled box. The project had met none of its objectives according to the S.P.A. and opportunities to correct administrative and programmatic errors had been ignored. In addition, an audit showed \$48,878 in questionable expenditures, with an extra \$5,000 in penalties being assessed by IRS for fiscal improprieties".

Being the former Executive Director of the organization I feel a responsibility to inform you that Mr. Woodson's statement are not accurate, nor provide you with the full picture. Briefly, the organizations involvement with LEAA was approximately one-fourth of the business conducted by the organization between 1976-1979.

The organization satisfactorily completed projects sponsored by private foundations, National Institute of Alcohol and Alcohol Abuse, National Youth Alternatives Project, and programs designed for and by its membership. The supporting documentation he refers to were cancelled checks from previous grant years and were in order and in storage. The project met many of its objectives, in fact, work accomplished during 1976-79, is still relevant to the organizations current Board of Directors, and membership. I've enclosed for your review a sample of three "products" to assist you in ascertaining whether or not this group should be subject to the allegations made by Mr. Woodson (Evaluation 1977, conducted by Human Research and Development Services, Inc., newsletter which demonstrates the areas of work staff, board, and members were involved with in 1979, and a booklet explaining "How to Start a Runaway Center").

Additionally, throughout 1976-1979, the Florida State Planning Agency monitored and evaluated the Florida Network's efforts. The Florida Crime Commission ruled in favor of the project three years in a row, and S.P.A. staff cooperated with the Network in targeting objectives and programmatic direction. There were shortcomings as there will be with any new operation such as changes in staff, board composition, and leadership. However, nothing as severe as \$48,878, of questionable expenditures and an extra \$5,000 penalties assessed by IRS. Had Mr. Woodson investigated the situation thoroughly he would have discovered that in fact between 1976 and 1979 the organization had unallowable costs of \$4,421 and that LEAA held funds during the audit putting the organization in a position to negotiate tax payments with the Internal Revenue Service. In fact, LEAA owed \$8,857 and paid to the Florida Network \$4,435 to close out the 1979 grant. Three years were audited, three years were cleared of obligation and the organization cleared discrepancies with IRS.

Senator, as you give important consideration to the Juvenile Justice Delinquency Prevention Act, I urge you to thoroughly investigate the quality of Mr. Woodson's examples in his testimony and that when other groups are implicated that you take the time to deal with first parties involved in Mr. Woodson's allegations. I feel confident that many, many groups supported by the Act are trying their best to meet the needs of American young people and society. Programs working with status offenders and first offenders, are important elements to prevent violent and serious juvenile crimes. The JJDP Act has been the cornerstone to fight juvenile delinquency in America. Please do not underestimate the extremely valuable work that has been conducted by the Office of Juvenile Justice Delinquency Prevention, State Planning agencies, Juvenile Justice Act advisory groups and grantee of the funds.

I urge you to support the Juvenile Justice Act and Runaway Youth Act, and to recognize the valuable role non-profit groups have played as they serve to be the backbone of a community's efforts to reach young people in America.

Thank you for your assistance.

In youth and family work together,

BRIAN L. DYAK,  
Public Policy Consultant.

JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION COMMISSION,  
San Bernardino, Calif., April 8, 1981.

Hon. ARLEN SPECTER,  
Chairman, Senate Subcommittee on Juvenile Justice,  
Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER. We urge you to restore funds to the Office of Juvenile Justice and Delinquency Prevention, eliminated from the President's proposed budget.

The JJDP Act was reauthorized just last year, after the November election. It was carefully reviewed by Congress, amended, and sent to the President with bi-partisan support.

At a \$100 million fiscal year 1981 funding level, the JJDP Act is a modest investment in the prevention and control of juvenile crime and delinquency in this country. The Act currently funds programs that address serious juvenile crime problems like urban gangs and increases in violent offenses. Scuttling these programs, by withdrawal of federal funds, will exacerbate crime problems now being successfully minimized.

The mandates of the JJDP have led to substantial improvements in state juvenile justice systems. Here in California, for example, the JJDP Act has guided us to significant changes in the way that we process status offenders—runaways and

other non-criminal minors. In 1974, before the Act went into effect, we arrested more than 100,000 young people for status offenses, and locked up more than 50,000 of them. Since the implementation of the act in California, we arrest and detain only a fraction of these status offenders, and are able to focus our scarce justice system resources on more serious juvenile crime problems.

We strongly urge you to assign a high priority to this national problem, and to restore funding at last year's \$100 million level to the Office of Juvenile Justice and Delinquency Prevention.

Very truly yours,

CLAUDE M. POTTS, *Coordinator.*

THE CORNERSTONE RUNAWAY SERVICE,  
Midland, Mich., April 8, 1981.

Hon. ARLEN SPECTER,  
*Chairman, Senate Judiciary Subcommittee on Juvenile Justice,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. SPECTER: It has been brought to our attention that President Reagan's proposed budget has deleted the Juvenile Justice and Delinquency Prevention Act appropriations from the Justice Department.

The purpose of this communication is to earnestly urge you to support the inclusion of JJDP funds in the Justice Department budget.

As a community based agency, the loss of JJDP funds will be devastating to the 100 to 150 youth and families each year receiving services for runaway related problems. We just now have begun to appropriately address local needs and priorities. To lose the progress that has been achieved would certainly be an injustice to those truly in need.

Please consider the support of the following four (4) recommendations.

1 The JJDP should continue in force as the policy framework for juvenile justice improvements.

2 The Office of Juvenile Justice and Delinquency Prevention should remain within the Department of Justice.

3 The appropriation level should remain at or near the fiscal year 1981 levels.

4 If a reduction is required, it should come from the special emphasis program, not from the state block grants.

We will be following these up-coming events with much interest. Your consideration of our views on sustaining improvements in juvenile justice is greatly appreciated.

Respectfully yours,

GREG DeGEER, *Director.*

LAW FRATERNITY INTERNATIONAL,  
JUVENILE JUSTICE OFFICE,  
Washington, D.C., April 10, 1981.

Hon. ARLEN SPECTER,  
*Chairman, Subcommittee on Juvenile Justice, Committee on the Judiciary,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is submitted for the record in connection with the hearings conducted by your Subcommittee on April 1, 1981 concerning the appropriate role of the Federal Government in combating juvenile crime. This letter is filed because of our inability to be heard as a witness and the invitation of your staff to offer our viewpoints.

Phi Alpha Delta Law Fraternity, International is a non-profit organization which is the second largest in the legal profession. With a membership exceeding 94,000 lawyers, judges, law school faculty, and law students, more than 3,000 become members each year without restriction by reason of sex, age, race, color, creed or national origin. The Fraternity has 163 law school chapters, chartered at accredited law schools throughout the United States, Puerto Rico, Canada and Mexico. Alumni chapters have been chartered in 76 metropolitan areas.

Our interest in juvenile justice stems from the fact that the Fraternity has been the recipient of a two-year grant from the Office of Juvenile Justice and Delinquency Prevention to participate in a nationwide law-related education program funded pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974.

In the past six years we have witnessed the growth and progress of the juvenile justice system of our states under the impetus of their own policy and legislation, spurred by the relatively small annual appropriations to implement the Juvenile

Justice and Delinquency Prevention Act. The OJJDP has provided leadership in funding research, standards development, model programs, training and new approaches to address problems recognized by the public as significant to the youth of this nation.

There is general agreement that our educational system should come to bear on youth at the earliest possible age. The need for this is evidenced by the many statistics presented at your hearing to indicate the heavy incidence of juvenile crime and delinquency.

In enacting the JJDP Act, Congress endorsed the concepts that when children go wrong, they need counseling and help. As delinquents, they should not be incarcerated with adult criminals—this only exacerbates the problem. Moreover, they should not be placed in detention or correctional facilities when no crime has in fact been committed. Special emphasis should be placed on the prevention of delinquency that will direct such juveniles toward useful citizenship. We support these concepts.

As you stated before the House Education and Labor Committee on March 31, "The Juvenile Justice and Delinquency Prevention program is the only Federal program currently providing assistance to States and localities to address serious juvenile crime and school violence. The Juvenile Justice program has proved its effectiveness in addressing these and other State and local problems again and again since 1974. In the seven years the Act has been in existence, juvenile justice practices in the States have changed dramatically."

Phi Alpha Delta is pleased to have had an active participation in this juvenile justice program, by joining with other national organizations in a program of law related education. This innovative program helps ensure that juveniles are not forced into a criminal justice system in which they do not belong. Instead, they receive regular classroom instruction beginning at the kindergarten level through twelfth grade that enables them to learn how our legal system functions and how it relates to the students in everyday life. This knowledge helps to steer them away from a pattern of juvenile delinquency.

The Fraternity's role is to energize our broad network of members in the legal profession to become active—on a voluntary basis—to enhance local law-related education projects in our public, private and parochial schools. The Fraternity has developed a highly effective lawyer-educator partnership technique which stimulates strong community involvement in these training programs. This continuing arrangement enables local practitioners to work with teachers as resource persons. It also has enabled our student members not only to teach law related courses to high school students but, in addition, to organized field trips so that such students may visit and observe the various components of our juvenile justice system in operation.

Based upon our experience, we urge the Subcommittee to support the continuation of this juvenile justice program, to be retained within the Department of Justice which has the primary federal role of fighting the scourge of crime and violence. In our opinion, the transfer of this activity into a block grant package to be administered by the Department of Human Health and Human Services will lead to its quick demise—picture the fact that the 34 health, education and social service programs proposed by the new Administration for consolidation into six block grants will reportedly encompass 616 pages of laws, 1,400 pages of rules and more than 10,000 separate grants at about 88,000 different sites. Juvenile justice cannot realistically survive when surrounded by this complex of other programs.

Although OJJDP is a relatively small Federal Office, it has provided excellent leadership in juvenile justice. It should continue to provide a vital focal point in the Federal Government for the hundreds of states, local communities, and private organizations which have already contributed extensively to our national juvenile justice program.

Accordingly, Phi Alpha Delta respectfully recommends that this highly successful program be continued under the direction of OJJDP, with adequate funding to maintain at least the present level of program and service.

We respectfully request further that this letter be added to the transcript of the hearing of your Subcommittee.

Sincerely yours,

STEVE CLARK,  
*International Justice.*

ROBERT E. REDDING,  
*Juvenile Justice Program Director.*

## PREPARED STATEMENT OF PENNSYLVANIA COUNCIL OF CHIEF JUVENILE PROBATION OFFICERS

The Pennsylvania Council of Chief Juvenile Probation Officers firmly supports efforts on the Federal level to rejuvenate an efficient and cost effective national agency responsible for continual improvement of the juvenile justice system. As a mandate in the Juvenile Justice Act of 1974, we assert that the original intent of that legislation be carried out, specifically to make the juvenile justice system work better by assisting state and local governments to reduce or prevent juvenile delinquency.

By establishing federal trends, a consciousness pervades throughout the local Courts which consequently benefits the public and constituents. This consciousness of efforts was best exemplified after passage of the Juvenile Justice Act of 1974 and its mandate for removal of youthful offenders from County jails and removal of Status offenders from the Juvenile Court. With support and assistance from the Federal government, these identified priorities were met and statistics reflective of those practices are now negligible or non-existent. Without federal support, we predict a diminishing consciousness which would conceivably turn back the clock on these significant accomplishments and improvements made in recent years.

We see a "Catch-22" developing nationwide as the public is crying out for answers to fight crime and violence, particularly among the youthful offenders. However these public requests are being countered with acquiescence to another demand, that for streamlined government and massive cuts. A federal level agency designed to meet these and other priorities in juvenile justice must be maintained despite snowballing cuts elsewhere. The question must be posed so that the public, when given the options of continued youth crime or continued budget trends, can safely choose the former.